

מדינת ישראל

משרד ראש הממשלה

גנזך המדינה

SF: Secret Files

10

מסמך

מנצח המסמך - חשבונית

Department of Awqaf

(Appointment of Commissioner)

אוקטובר 1937 - ספטמבר 1945

מדינת ישראל

גנזך המדינה



(Department of Awqaf (Appointm

שם:

מ - 10 / 397

מ

מס פריט: 1184591

2.27/2 - 10

מוחזק פנימי:

03/11/2010

02-112-04-10-04

מוחזק לוגי:

כתובת:

מחלקה

מנצח המסמך - חשבונית

מסמך

מסמך

SF/450/37

GOVERNMENT OF PALESTINE

C.S.O.

SF

450

37

SECRET

Department of Awqaf

Conservation of Islamic Monuments

CONNECTED FILES

NUMBER AND YEAR

SUBJECT

C.S.O. MINUTE PAPER

CF	450	37
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SUBJECT DEPARTMENT OF AGRICULTURE

(1a)

Letter from B.R. dated 5-10-40

(1)

D. E. C. dated 2-10-37

(2)

Telegram No. 454 to S.G.S. dated 6-10-37

(3)

Telegram No. 455 to S.G.S. dated 6-10-37

(4)

Telegram No. 497 Secret from S.G.S. dated 7-10-37

(5)

D. E. C. dated 5-10-37

(6)

Order by the O.A.G. dated 8-10-37

(7)

~~D. E. C. dated 6-10-37~~

Minute by the O.A.G. dated 5-10-37

(8)

D. E. C. dated 6-10-37

(9)

Pal. Order in Council 1937

Regs. made by the O.A.G. under Act 6 of 10

(10)

Proposals for implementing the decisions
at (4).

(11)

Minute by the Treasury dated 9-10-37

(12)

Telegram No. 461 Secret to SPS dated
9-10-37.

(13)

D. E. C. dated 9-10-37.

(14)

Memorandum by Mr. Kirkbride dated 10-10-37

(15)

Palestine Defence (Mosh Avkaf) Regulations
1937.

(16)

D. E. C. dated 11-10-37

(17)

D. E. C. dated 12-10-37
Palestine Defence (Mosh Avkaf) Regulations 1937.

(18)

Telegram No. 467 Secret to SPS dated 13-10-37

(19)

D. E. C. dated 13-10-37

(19)

Telegram No 509 Sent from S. P. L. dated 15-10-37

(20)

Palestine (Defence) Order in Council 1937

Draft Rego. at 15-10-37

(21)

Defence (Mushur Awkal) Regulations 1937 under
the Palestine (Defence) Order in Council 1937

(22)

Official Communication No. 18 / 37 of 16-10-37

(23)

Letter to Amir Bey Abdul Haddis dated 16-10-37

(24)

Letter to Amir Bey Yaminis dated 16-10-37

(25)

Letter to Abdel Rahma Bey Yaji dated 16-10-37

(26)

Letter to Sheikh Muhiddin Abdul Shafi dated 16-10-37

(27)

Telegram No. 173 to H. M. Baghdad, Alexandria,
Beirut, Jeddah + Damascus dated 16-10-37

(28)

Minute by Mr. Tweedy

(29)

Minute by Mr. Kirkbride dated 17-10-37

(30)

Appointment of a Commission under the Defense
(Moslem Quarter) Regulations 1937

(31)

Letter to Shaikh Husein el Din Eff. Farallah
dated 18-10-37

(32)

Letter to Director of Education dated 18-10-37

(33)

Gazette No. 731 of 18-10-37 re appt. of Commission

(34)

Letter from Members of the Supreme
Moslem Council dated 18-10-37

(35)

Mr Kirkbride

Any obs'ns: on (34),
please? Simple ack-
nowledgment? J

19/10/37

--	--	--

SUBJECT

(36)

Telegram No. 526 Secret from SFS dated 20-10-37

(37)

O.A.G.

The draft telegram en face has been
drafted by the A.G. and T. together.

In.

(38)

21. 10

A.G.

See addition wh. can be included if
you see no obj. W.K. should be asked
if he can get any evidence.

W.K.
21/10

(39)

Telegram No. 486 Secret to SFS dated 21-10-37

(40)

Letter from Sir J. Shackleton dated 8-10-37

(41)

W. Kirkbride

1. Please see (38) & (40)
2. Do you wish to answer

~~Miss~~ (35) now, please?

~~Ally~~
~~prct.~~

22.10.37

(34) (35)

Secret.

Attended dft. conf^{de} later to S.M.C.

Sh. be considered to members of Ex. Co

Considered tomorrow in Ex. Co. the

11 am

W. Kirkbridge

W. Kirkbridge

21/4

1.2.10

members of Comm. being in

attendance.

W. Kirkbridge

(43)

21/4/37.

W. Harris

Treasurer.

Ad. —

Received 11.20 am.

Accordingly.

W. Harris

21/4/37

(420) 14.2.10.10

1.2.10.

W. Harris

24.10.

(44)

M. Shaw:

1. Ref. (34) (35). .. I think I can safely say that (34) was written with the sole object of enabling the members of S.M.C. to say "we have protested against Govt.'s action." I suggest a simple acknowledgment of receipt.
2. As regards your minute (41) and paper at (36) (38) (40), I consider that even if there have been any defalcations, which is by no means an established fact, it is unlikely that we shall find any evidence.

If there have been any irregularities
I am certain that they will have been
well disguised as legitimate payments
supported by proper vouchers & receipts
& etc.

3. As regards § 3 of (40), the practice
has been to have the wages accounts
examined by a licensed public
Auditor and they have never been
examined by the Audit Dept. (? if
this is what is meant by Govt.
Auditors).

4. If it is desired to undertake
a systematic overhaul of past
accounts as suggested in (40)
I think that such a task would
be beyond the Commission who
will be fully occupied in
dealing with the present. If
Govt. wishes to delve into the
past I suggest that this is
a task which should be
entrusted to the Col. Audit Dept.
or say, Russell & Co. My own opinion
is that nothing of importance will be
detected, even if it exists.

N. 16. H. 14. Justice Greene is
in agreement with these
views.

24.10.37

(45)

Despatch No. Conv. from S. of State dated 9.10.37

(46)
Ag. Ct. 1. lesser submt. :
for See (34) & § 1
of (44). *SI*
23.10.37

(46a)
D. E. C. dated 22.10.37

(47)

Letter to Amir Eff. Samini dated 23.10.37

(48)

The A.G.,
~~22100000~~

W.r.t. (39), please see (40) and the draft at (48a). Have you any further comments? Personally, I would suggest adding to the letter: "It would obviously be highly inexpedient to apply to the Syrian authorities for the extradition of Haj Amin on grounds not strong enough to render compliance with the request reasonably certain".

[Signature]

for Ag. C.S., 25.10.37.

C.S. (49)

I concur in the draft since however Lord Melchett says that his authority is reliable I would feel inclined to ask him if he could state with greater precision the Wahf transactions which would support a prosecution "without the slightest difficulty."

On the other hand it seems to me to be obvious that he is just indulging in generalities which get us no further, and perhaps the despatch as it stands is better.

W.F.F.

25/10.

25/10/37

(50)

ON L.

(48a)

submitted for approval
26.10

(51)

(442)

In.
27. 10

(52)

✓ OAL for signature.

27/10/37

W.M.
28/10/37.

(53)

Letter to Sir J. Shackleton dated 28-10-37

(54)

The outcome of X of § 4 of (46a) is still awaited.

There are pps: circulating now in E.F. Co: about it.

I can perceive no other action pending on this file. B.H. 4/11/37.

30/10

(55)

D.E. Co. dated 1-11-37.

A. Cg.

56

A draft despatch should be prepared at once to go by air mail and asking for a telegraphic reply. Copy of 55 b should be forwarded stating that I propose to adopt the proposals in 55b forthwith if S.S. has no objection. The exceptions being that the A.G's method should be adopted as described in 55c and I also propose to concur in the Treasurer's suggestions. To that extent the proposals in 55b are modified. I refer this to the S.S. because if these proposals are adopted X it may be said that the Government is taking a retrograde step and that the Gov. is now giving way to pressure by Arabs etc. The action is bound to be misrepresented in certain quarters, that the Government is giving up the control which is so necessary. In point of fact that is not so. The Government will have complete control still. The reason for my recommending that this should be approved is that the remaining members of the S.M.C. are anxious to co-operate and such co-operation will materially help the work of the Commission which would find it extremely difficult to administer the Awqaf, for some time at any rate until they had gained ^{experience} ~~such co-operation~~, without this ~~co-operation~~ co-operation. Further it seems desirable on ^{religious} political grounds to encourage the co-operation of the Arabs with the administration in this matter if only to prove ~~that~~ the falsity of the statements that recent Government action has been taken with a view to "downing" the Arabs as a whole. It will however not be possible to get this co-operation unless there is some "face saving" device and unless the remaining members of the S.M.C. are given at least a semblance of authority. This might be effected by the present proposals though I am

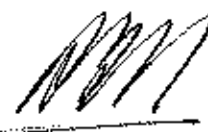
unable to say definitely whether the remaining members of the S.M.C. will be prepared to co-operate with the somewhat truncated powers which it is proposed to give them but I have hopes that they will and it is for that reason that I make these proposals. ^X Emphasise that approval of these proposals will in no way loosen the power of the Government to control these funds.

I suggest that Mr. Kirkbride should be asked to help in drafting the despatch. He will probably be able to adduce other and stronger arguments.

Went.
1/11/37.

Mr. Shaw.

1. As promised, I submit a rough draft despatch at ⁽⁵⁷⁾ as face.
2. I am going North tomorrow & I have not had time to show the draft to Justice Greene. I think that he should see the final draft before it is put up to H.E. as he is directly concerned & I think that with every added restriction we are drifting further away from the possibility of willing & effective co-operation. This applies particularly to X of ⁽⁵⁷⁾.


1. 11.37

(58)

Agcl

1. Mr Kirkbride's draft, which I have had typed, submitted at (57a)

2. I invite your attention to § 2 of (57).

W.G.F.
2.11.37

(59)

Please see the A.C. and the
T. in today's paper. N. Justice
Green. see the paper.

W.G.F.
3.11

(60)

The { A.C. W.G.F.
Treasurer - (62)

As above, please.

(61) W.G.F. 3.11.37

c. s.
I have slightly amended my own minute.
I have not altered the text but I have
made more clear, for the benefit of the legal
people at the C.O., why I consider an
amendment of the regulations would be necessary.

W.G.F.
3/11

(62)

CJ Seen. I now have made
 an addition to para 3 of 4
 draft despatches. The last
 sentence of my opinion at
 (55) has been omitted from
 the draft despatches.

57/2/34

(63)

Secret.

His Honour Mr Justice Greene,

Mr Justice Greene
spoken,

The O.A.G. will be grateful if Y.H.
 will be so good as to scrutinize the draft des-
 patch at (57a) and freely express any criticisms
 or comments which occur to you.

[Signature]
 for Ag. C.S.,

3. 11. 37.

(64)

C.S.

I have discussed with the Attorney General
 the ultimate paragraph which is creating the
 difficulty and suggest that instead of forwarding
 (55b) in its present form and criticising it in
 the ~~covering~~ ^{covering} despatch, it would be preferable to
 amend the ultimate paragraph as follows :-

* Subject to the foregoing instructions
 and to the reservation by the Commission of
 the right to exercise at any time all or any
 of the powers vested in them by the Defence
 Regulations (Moslem Awqaf) 1937, the Commission

hereby direct the Supreme Moslem Council and the Awqaf Administration to administer and supervise until further notice all Moslem Awqaf affairs in Palestine, in accordance with the procedure followed in the past, in the name of and under the general supervision of the Commission.

The Commission further direct the Supreme Moslem Council and the Awqaf Administration to bring legal proceedings connected with the Awqaf in the name of the Commission and to enter on behalf of the Commission into any proceedings brought against the Awqaf; provided that the Supreme Moslem Council and the Awqaf Administration shall not bring or enter into any such proceedings without prior reference to the Commission. " /

The Attorney General is satisfied that it is possible to give effect to these proposals within the terms of the Defence Regulations without any amendment of the Regulations. I sincerely hope this will meet the case and that it will now be possible to send the proposals to the Secretary of State for approval. I suggest that the draft despatch be again referred to the Attorney General who may wish to vary that part which deals with his comments, and I also suggest that, in view of the revision of the proposals, the Treasurer's amendment on paragraph 3 of the despatch is no longer necessary.

M. E. Hume.

5 Nov. 1937

(65)

A. G.

I am directed to request
your further observations on (57a)
in the light of (64)

MM

For C.S.

5.11.37

(66)

C.S.

The difficulty that confronts Govt. is
that when we drafted the regulation
we did not expect such a degree of
co-operation from the I.M.C. The question
now is how to ensure the proposed
co-operation without leaving ourselves
open to the charge of retreating.

In all the circumstances, I am prepared to
accept the revised draft. This will
necessitate a re-draft recasting of
the draft dispatch. I have suggested
the amendment in pencil on p. 4. of
57a.

W.G.F.
10/11

G.S.

(67)

(64) et seq. submitted. (57a) +
(55b) have now been amended
as proposed at (64) + (66)

MM
10.11.37
10/11.

(6)

O.A.G.

Q. 6 on (57) as subsequent

minutes.

(57) submitted for

approval.

S.N.

10.11

(69)

I have made some minor alterations. If
you agree with them the deep. can go.

W.H. 10/11/37.

(70)

(57) approved.

S.N.

11.11

(71)

O.A.G.

Despatch submitted for
signature.

W.H.
12.11.37

S.N.

12.11

(72)

Despatch No. Secret sent to S. of State dated 12.11.37

B.U. ref (72) on

20.11.37

C.B.G. 69.

W.H.
13.11.37

A.C.S.
BROUGHT FORWARD
AS DIRECTED
29/11 <i>W.H.</i>

CS. (15) 20.11 (73)

W. r. to (72) ... The uncertainty of the position pending the S of S reply is embarrassing to the Commission & to the S.M.C.

May a telegraphic reminder be sent to S of S if he has not replied by Monday 22.11.37? I am sorry to worry you but the matter is really important & urgent.

20.11.37

[Signature]
for the Commission

(74)

Yes: p.v. & Draft on Drafting,

giving reasons.

Sm.
20.11

(75)

✓ M.L.

(75a) submitted for approval

Sm.
22.11
Went 22/11

B. U 27.11.37
[Signature]
23.11

(76)

Telegram No. 538 Secret to S.G.S. dated 22.11.37

(77)

Letter from Members of the S.M.C. dated 23.11.37

(78)

Telegram No. 587 Secret from S.G.S. dated 25.11.37

(77) was passed to
me on 25.11.37
HWH

(79)

C.S.

(77) (78) submitted.

2. - As to (77) please see (79a) en face,
in which A.G. concurs.

3. As to (78), please see § 4 of (79a).
I have drafted a letter from the
Commission to S.M.C. & it is
now being typed. I will show
the draft to A.G. & to you
before it issues.


29.11.37

(80)

(79a) 4/11/37 P. 4 C.S.

Sm.

29.11

(81)

C.S. Letter en face submitted of S. if approved,
in English & Arabic. I have checked the Arabic.
For references please see (79) & draft at
(79a).

Sm. 30.11


30.11.37

(72)

W.E.

I think you will wish to see this
before it is issued. The facts are
stated in 72 flagged.

C.C. when (80) is done
let me have one
spare copy for my
files. Also return
this file to me +
if available let
me have a copy
of (77).

MM
30.11.37

lost

(83)

20/11/37

I suggest copy shd be sent to S of S.

AGW
30.11

(84)

I will send to L.M.C. R. te type.

Copy to S.S.

lost
20/11.

(85)

Letter to S.M.C. dated 1-12-37

(86)

Shaw.
4/12

3 P.M. for approval W.Y.

to (84)

MM
3.12.37

(87)

Third P.M. to S. of S. dated 4.12.37

(88)

Copy of letter from Augaf Commission to
S.M.C. dated 4.12.37

(89)

c/c
I think this jacket should now
be CLOSED. Any further
correspondence following on (88) should
go on a new jacket which should
be limited to control of Augaf. If
there are any further papers dealing
with the subject matter of (53) they
should go on a different file with a
suitable title.

Meanwhile this file can
be P.A.

MM
6.12.37

(90)

Despatch No. 6047 from S. of State dated 27.11.37
Administration of Wark Estate

(91)

So far as I can see no
further action is required
on this file.

MM
14.12.37

*Report by Mr. Kirkbride dated 16.12.37
on the work of the Awqaf Commission*

93a

(93)

C.S.,

(92) is a report by Mr. A.L. Kirkbride to the Chairman of the Awqaf Commission of which Mr. Kirkbride furnished me with this copy. I understand that Mr. Justice Greene asked Mr. Kirkbride for this complete resumé of the Commission's activities since its inauguration; it also serves as handing over^a report from Mr. Kirkbride to Mr. Jardine.

2. No action in this office is required but if the High Commissioner and yourself have time, I think you may be interested to read it from the beginning as far as page 11. The rest for the most part concerns a ^{ay} mess of administrative detail with which it is not necessary for H.E. or yourself to be troubled. The last paragraph namely 12, is however important and I invite your attention to it.

3. I submit that this memorandum, though written of course with no such intention, reflects by implication the greatest credit on the work done by Mr. Kirkbride since the institution of the Awqaf Commission and his association with it. His tactful handling of what might have proved a most difficult and embarrassing situation has been of the greatest value to Government. If the situation had had to be handled by an officer with less tact than Mr. Kirkbride, apart from his profound knowledge of Arabs and the Arabic language,

the result might have been very different.


18. 12. 37.

(94)

W.E.
Intro. for information.

Wote.
20/12/37.

Seen by H. E.

RP
21/12

(95)

Minute by Mr. Gardiner dated 4-1-38

(96)

W.E.

I can see no objection to the proposed
action in (95).

Wote
4/1/38.

No, & the action shd be firm.

ASW
Wote 5/1

(97)

Copy of letter from Ch. Amey & Co. dated 20.12.37

(98)

Letter to Chairman, Anglo-Commission dated
6-1-38.

(99)

Letter from Mr. Jardine - d/ 5.5.38

(99A)

Supplement to Letter
10.7.38 of 28/4/38.

C.S.

Mr. Jardine's handing over notes
at (99), submitted for information.
I have made a few notes in pencil
in the margin.

in.

13.5

[Signature]

9.5.38.

(101)

Y.E.

Subt^o for inf^o. ? to. Jardine
She. be thanked for her services.

W.S.H.

13/5

14/5

(102)

✓ C.S.

Letter in file of 5.5.38
Approved W.S.H. to (101).

[Signature]

17.5.38

(103)

W.S.H.

Letter to Mr. Jardine dated 18-5-38

(104)

Confidential

c.s.

(104a)

I submit for your information
+ for purpose of record a copy
of a memorandum which I have
prepared, as a member of the Augaf
Commission, at the request of
Sir Alison Russell of the Partition
Commission.

(105)

MM
8.6.38

lost interlocking. See. kept in relevant
file.

lost 9/6/38.

(106)

c.s. Resubmitted as directed above.

MM
10.6.38

(107)

G.E.

(104a)

substa. f. i.

lost 11/6/38.

MM
13/6

P. A. MM
15.6.38

Y.E.,

I submit the letter en face for signature by Y.E. if approved.

2. I invite Y.E.'s attention to para.3 of (14) herein; also to (16), (18), (19a), (19) and (22) from which Y.E. will see that it has been laid down and publicly announced that the Chairman of the Awqaf Commission shall be a Judicial officer.

3. The Defence (Moslem Awqaf) Regulations, 1937, are flagged at (21) herein and the order of appointment of the Commission is at (30).

12.7.38.

Jn.

12.7

12/7

13/7

MM
12.7.38

①

(109)

Letter to His Honour the Chief Justice
dated 14-7-38

B.U. 18.7.38
B. 14.7

(140)

Letter from A/Chief Justice dated 15.7.38

(141)

Y. E.

I submit ~~(140)~~ ⁽¹⁴¹⁾ w. 7. to Y.E.'s letter at (109), for Y.E.'s formal approval of the appointment of Judge Phantass as Acting Chairman of the Awqaf Commission. If Y.E. approves, the Order of appointment will be signed by me - as at (30).
Jn. 19.7

A/Member
19/7
18.7.38
of Council
18/7/38
W

(H2)

Y.E.

Letter to A/C.J. submitted for
signature, with reference to Y.E's
instruction at (41).

The "Order" of Appointment
will appear in next week's
Gazette.

MMK
21.7.38

In. 16/2/17
21.7

(113)
43

H.I.Y. action
of (110)

Letter to H.H. the Chief Justice dated 22-7-38

P.A. MMK
22.7.38

(114)

Order under the Defence (Mosh Awqaf)

Regulations 1937. dated 22-12-37.

Removed to folio (93a)

C.S.

Judge Greene spoke to me today re his success as
Chairman of the Hawley Commission.

his official communication of Dec. 1937 appointing him
Commissioner referred to a Judge as the Chairman. I agree
with Judge Greene that it is desirable to continue to have
a Judge. He has consulted the Chief Justice, he tells
me, & they agree that Judge SHAW would be the best
nominee. I concur (so does Mr. Kirkbride, I gather).

Mr. S. C. would certainly prefer a Judge to an Admin^{ve}
Officer & am willing to welcome Shaw.

Presumably there will have to be a Gazette notice in due
course? f. n. a.

As regards date - I do not know when Judge Shaw,
assuming his acceptance, would be available (& the salary
ditto) - If necessary Mr. Kirkbride could act for
a while. Please have this all looked into.

(Incidentally Judge Greene paid the very highest tribute
to the value of the work which has been done by Mr. Kirkbride
in connection with the S. C. & Hawley & the complete
trust which these gentlemen have in him. This knowledge
& trust have been invaluable. I fully endorse this).

W. J. M.
23/6/39

Mr. Kirkbride
will please continue
action. 2.23.39.

J.C.S.

(116) submitted for consideration
as to (115).

M.R.
3.7.39

(117) 116-447 P. J. S. 37

(118)

Y. E.

Letter en face submitted for signature by Y. E. if approved, W. T. to Y. E.'s minute at (115).

S. M. 10/17/39
S. 7

MR.
5.7.39

(119)

Letter to Chief Justice dated 7-7-39

B. U 14. 7. 39.
MR.
7.7.

(120)

Letter from Chief Justice dated 8-7-39

U
17

(121)
S. M. 10/17/39
D. G. S.

W. T. to § 3 of (120). I have spoken (informally) to Mr. Orr, the Chief Registrar, with a view to finding out what the position is likely to be during the next few months as regards Judge Shaw being posted away from Jerusalem.

Mr. Orr tells me that it is unlikely that Judge Shaw will be posted away from Jerusalem during the next 6-9 months, although it is of course impossible to guarantee this.

2. I suggest that since we can reasonably count on Judge Shaw being in Jerusalem for the next few months, this is all that we need worry about and I recommend that an Order under the Defence (Maolem Burgas) Regulations appointing Judge Shaw, should now be prepared for signature by H. E. — It is probable that

(continued on page)

Judge Shaw will remain in Jerusalem long enough to see the Commission out.

3. I presume that it will be necessary to reply to § 3 of (120); if you concur I will prepare a letter f. 5 by H.E. for submission at the same time as the order referred to in § 2 of their minute.

MR.
12.7.39

(122)

C.S.

D.C.S.

As the final step following on (120) (121) I submit the following:-

- (a) Letter to the A/G. f. 5 by H.E.
(b) Order f. 5. by C.S. - by H.E.'s command.

2. The draft of the order (b) has been seen + approved by A.G.

MR.
15.7.39

(123)

Y.E.

Letter to AG C.S. for signature - in reply to 120

17/7/39

18/7

(124)

Order under the Defence (Moslem Quarter)
Regs. 1937 dated 18.7.39

(125)

Letter to Chief Justice dated 30-7-35

(126)

(126) passed to Gazette today.
Hh
21/7

P.A. 21/7/39

(125)

Extract from Gazette No 307 of 27-7-39
Supplement No. 2

(126)

~~Order made under the Defence (Produce
Control) Regulations d/d 27/7/39~~

(127)

Letter from Chairman Burghal Commission
dated 2-5-40

(128)

C.S.: (127) submitted.

.. If it is acceptable to Govt. the arrangement suggested by Judge Shaw would suit me. I have always been a staunch ~~and~~ supporter of the principle that the Chairman should be a British Judge but, if I may be frank, the idea of having to initiate a fourth Chairman (Judge Shaw is the third) into the work of the Commission + Burghal Dept. would cause me considerable difficulty. Consequently if I can act while Judge Shaw is away on leave it would be a great relief to me.

I feel sure that the S.M.C would not object to this, and as regards "divergence of opinion" between

the Arab member of the Commission & myself
I am confident that no difficulty will arise;
I have no knowledge of any occasion since 1937
on which Sheikh Hussein and I
have not ultimately reached agreement by
friendly discussion.

MR.

6.5.40.

(129)

Y^o. will approve his proposal that
Mr. Kirkbride should act as Chairman
of the Arab Commission during his
absence in case of Judge Shaw?

Yes
7/5/40

YES.

Yes
7/5/40

Seen by the Chief Secretary.

SI
8/5

(130)

D.C.S.

Letter in file submitted for
signature if approved on 2.10

(127) - (129)

MR.

9.5.40

(131)

20:

SI

9/5

(132)

Letter to H.H. Judge D.V. Shaw, dated 10.5.40

P.A. 15.
C.S.O. 68. 11/5/40

Letter from Chief Justice dated 10-9-40

C.S.

(133) submitted. Judge Shaw and I had arranged what would, we hoped, have provided a ~~type~~ possible working arrangement which would enable us to carry on in spite of his transfer to Taffa; broadly speaking they were that we would meet once a week (Saturdays) or in between. I could send him papers to Taffa or in urgent cases telephone to him; it has always been the established practice that all the normal work of the Commission should be done by me - the Chairman & other members being kept informed generally and consulted on questions of principle.

2. I had hoped that there would be no change since continuity is important vis à vis the SMC and particularly important to me personally; I invite reference to my minute (128) herein.

But it would be unsatisfactory - even if H.E. were prepared to do it - to press the C.J. to agree to let Judge Shaw carry on as it is clear that the C.J. is definitely opposed to this; I say "definitely" because his Honour knows what the proposed working arrangement was to be, having inquired from me through the Chief Registrar. Under this, this would almost certainly make life difficult for Judge Shaw both with his chief & with his colleagues; I have reason to believe that certain members of the Judicial Dept. look upon this post as a lucrative one - without too much work attaching to it - in which others are entitled to a turn.

3. In the past I have always been the strongest advocate of having a Judge as Chairman and I pressed for this when the establishment of control over Angak finances was first decided on; my motive was political more than practical because the setting up of the

the Commission was not universally popular and the appointment of a British Judge was designed to minimise resentment by putting the Commission on an impartial plane outside "Administrative Departments". The regulations - see (21a) - did not however lay down that the Chairman should be a Judge and the point was dealt with in the explanatory communique at (22); the Order appointing the Commission, as originally constituted, is at (30).

I think that I can safely say that the political considerations connected with having a Judge as de facto Chairman have largely if not entirely disappeared since the Commission has become known as a friendly and helpful body and not, as some at first expected, a hostile body which would aim at the destruction of the S.M.C. On the other hand it might be unwise to openly go back on the statement in (22) which is morally binding - although I do not think that anyone would raise the point.

4. For the reasons already mentioned in § 2 above and in my previous minute (128) I respectfully request that there should not be "yet another Chairman" (with no guarantee that there will not be a further change later!), and I submit the following alternatives for consideration:

(i) That I should become Chairman; or

(ii) if H.E. does not wish to depart from x of (22) - the underlined portion of Rego. at (21a) could be invoked on the lines that owing to his looking to Justice Judge Shaw is incapacitated from acting as Chairman and that I be appointed acting Chairman. In this connection pl. see (129) which did not take effect because J. Shaw's leave did not materialise.

Alternative (i) would be more practical & stable, but H.E. may prefer (ii) for political reasons. If (i) is decided on it would be necessary to appoint another member and I would recommend Mr. Sommerville; he would fit in well

and, moreover, be a potential "relief" for me in the event of illness, leave etc., etc.. For the immediate future I could ensure that he would not have to devote more than an hour or two once a week to this work - apart from studying papers and "form" in his spare time.

M.R.
16.9.40

(135)

AG

Mr Kirkbride minute at (134).

It is unfortunate that Mr C.J. cannot see his way to allow Judge Shaw to continue to act as Chairman of the Commission. I am not disposed to recommend that HE should ask him to change his mind.

2 The best solution is clearly that Mr Kirkbride should be appointed Chairman. This would not conflict with his regulations at (21^a) although it would be a departure from his intention expressed in (22). To my mind this is not important but I should welcome your comments.

/an additional
member being
appointed

J 17/9/40

136.

C.S. I entirely agree. The Commission has now established itself as an impartial body and the need for a judicial officer as chairman

has passed. In fact I welcome the opportunity for this gradual transition. We were fortunate in our two judicial chairmen.

W.G.J. 18.9.40

137
d/s: Y.E.

From (133) resubmitted with particular reference to A.G.'s minute (136) which you have not yet seen.

Mr. Kirkbride to be Chairman
Mr. Somerville to be added as
a member.

Mr. Judge Shaw to be thanked for his service

MR.
18.9.40
20/9/40

3 Drafts please.
21.9

20/9

138

C.S.

Three drafts at (138A) - (138C) submitted for consideration w.r. to (133) - (137).

As soon as these letters have arrived I will prepare the necessary "orders" in consultation with the A.G.

Fair
20/9/40

MR.

139

P.S.

Letter in face to G.J. submitted for signature by H.E. if approved w.r. to H.E.'s decision at (137) above. C.S. has seen & passed the draft thereof.

Seen by the Chief Secretary.

MR.
24.9.40

K.I.V. "Orders"
(before 1.10.40)

(140)
Letter to D.C.J. D. 24.9.40

(141)
Letter to H.H. Judge Shaw 24.9.40

(142)
Letter to H.H. Chief Justice 24.9.40

K 1.0 "Orders"
(before 1.10.40)

Jan 25/1

(143)
Extract from Gazette No. 307 of 27-7-40

(144)
Note: - copies of (144a) sent to
Gazette Clerk for publication.
27.9.40

(145)
Letter from Chief Justice dated 26-9-40

(146)
Letter from D.C.J.D. dated 28-9-40

(147)
A.G.

Draft Order at (147a) for
concurrence; H.E. has approved
in principle & Mr Somerville has
accepted. I have, as far as
possible followed the form of
previous orders e.g. (144a).

1.10.40

(148)
C.S.
in order.
W.F. 4.10.40

C.S.

Order in face submitted for signature.

A. G. has approved "form".

MR.

7.10.40.

Jan
7/10

N.B. As soon as signed by
C.S. in order should go
to Gazette in time for
publication this week.

MM
7.10.

B.O. with
yes: + place
copy in M²
Somerwill's file: then
P.A. *MM*
8.10.40

(150)
Copies of (149a) sent to Gazette Clerk
for publication this week.

7.10.40.

(151)

Letter from Chairman of the Awqaf
Commission dated 30-9-40

(152)

Letter from SMC dated 2-10-40

(153)

C.S. Y.C.

(152)
submitted for information: it
does not call for any action or reply?
A copy will be placed on Judge Shaw's
personal file - also copy of (141).

✓ And copy
to be Shaw
personally

Copies of (141) + (152)
placed on 19/10

MR.
10.10.40
17/10

(154)

C.S. Y.C.

Letter to C.J. submitted for
signature if approved, w.r. to (153).

Done
copy of (149a) to M² Somerville's
personal file.
Then P.A. *MM*
19.10.40

MR.
15.10.40
17/10

(155)

Letter to H. H. The Chief Justice 18.10.40

(156)

Extract from Gazette N° 1048 Supp. 2 of B.1040

(157)

Extract from Gazette N° 1049 Supp. 2 of B.1040

(158)

Letter from Chief Justice dated 23.10.40

159. Mr. Crosbie — 12030 — S - S - 43 10/13/5

(160) To Mr. Crosbie, D/O - 14-5-21/3

(161) C.S.

I submit for your consideration that the time has come when it is desirable that I should be relieved of my special duties as Chairman of the Aungmy Commission. You, personally, are familiar with the origin of that Commission & its history but for convenience I have attached at (161a) opposite a very brief summary - with references.

2. I have no hesitation in recommending that His Honour Mr Justice Shaw be invited (if the C.J. consents) to once again become Chairman of the Commission. You will see from my note that he held that position for just over a year in 1939/40; he filled it with distinction and was very popular with the S. M. C. who would I am sure welcome his return - as an old friend (who has ever since kept in touch with them).

3. Mr Justice Shaw will need an English 'working member' to attend to the actual conduct of current affairs; though there is

PA.

PA

1A. MR. 25.10.40

After issue of (160) P.A. 11/14/5

folios (41) (42)
folio (152)

plenty to do this is not (now) a full time job. It is difficult for me to say how much time it will take a newcomer to keep the machine running as it is all so familiar to me (after more than 7 years of it) that I can get through the business quickly; it will seldom if ever be necessary for him to devote 'whole days' to it - but he must be stationed in Jerusalem.

The requirement as to domicile in Jerusalem rules out the present British member - Mr. Downville - who is stationed at Tulkarm; moreover his personality is not altogether suited to the position of working member - still less to act as Chairman in the temporary absence of Mr. Justice Shaw on leave etc.

I recommend Mr. Newton as British working member; he possesses tact, ability and a good knowledge of Arabic & Arabs; he has already taken an interest in Moslem religious affairs in Jerusalem (one of the most troublesome places) and knows the members of the Supreme Moslem Council as well as many of the other religious 'Sheikhs' & officials.

4. The present Arab member, Sheikh Husam eddin Jarallah is a good man who should be retained.

5. Service on this Commission carries with it the following allowances:

Chairman - £P. 250 p.a.

British Member - £P. 200 p.a.

Arab Member - £P. 150 p.a.

(162)

I agree. Please prepare a draft letter to the Chief Justice, for signature by H.E. on return from tour, explaining the situation and expressing the hope that His Honour will be agreeable to this appointment of Mr Justice Shaw; also, of course, that Mr Shaw will accept the appointment. The letter may state, for His Honour's confidential information, that it is expected that Mr A.L.K. will shortly be leaving Palestine on promotion; hence the necessity for making new arrangements quickly.

MR 31/1/45

(163)

C.S.

Draft at 7. (163a) submitted as directed above.

1.2.45.

T. y. - Fair.

F.S. by H.E.

2/2

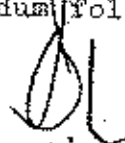
(164)

C.S. 69.

re-submitted 2/2

(165) Y.E.

I submit a letter to the C.J. for signature if approved. This letter explains itself, but further elucidation of the "background" is provided in Mr Kirkbride's minute (161) and his memorandum folio 161A.


2.2.45.


3
2
45


4/2

(166) Chief Justice - Enq. - 3.2.45
Mr Justice Shaw. & Deputy Commissioner

(167) Ch. Justice : 2/3/8 - 6-2-45.
Reply to (166) Transferred to U

Two orders
- One letter (copy)
for keeping.

10/2

168 Order appra. R. Justice Shaw - 13. 2. 45
to Chairmanship

169 Order appra. R. R. Newton - 13. 2. 45
to Commission.

170 To Gazette - copies (168) (169) - 13. 2. 45
for pubn. on 15.2.45

(171) Miss King

Many thanks for seeing this through.
The letter to SMC has gone by hand today;
now please send Mr Somerville's off. (Then PA)


14/2

172 To SMC - (by hand) - 14. 2. 45

173 To J.S. Somerville - of J. DCSamaria - 14. 2. 45
(copy to P.F.)

P.F.

See Vol. II

Copy to: Personal file.

173

SP/450/37

14 February 1945.

Sir,

I am directed by the High Commissioner to thank you for the commendable manner in which you have performed the duties of member of the Commission appointed for the control and management of the finances of Moslem Awqaf in Palestine, since October 1940.

Mr. Kirkbride has explained to you the reasons for which it has become necessary to appoint another member of the Commission who is stationed in Jerusalem.

I am,
Sir,
Your obedient servant,

(Sd) J.V.W. Shaw
CHIEF SECRETARY.

J.S. Somerville Esq.,
u.f.s. District Commissioner,
Samaria.

Received by <i>[Signature]</i>
Typed by <i>[Signature]</i>

Dated:	15th February 1945
To:	Mr. Kirkbride
From:	Mr. Justice Shaw
Subject:	Defence (Moslem Awqaf) Regulations 1937
File copy typed to:	Mr. Kirkbride

SF/450/37.

15th February, 1945.

Gentlemen,

I am directed by the High Commissioner to inform you that in view of the impending departure of Mr. A.L. Kirkbride to Aden, His Excellency has been pleased to appoint His Honour Mr. Justice B.V. Shaw to be Chairman of the Commission appointed under the Defence (Moslem Awqaf) Regulations 1937, for the control and management of the finances of Moslem Awqaf in Palestine. Mr. Justice Shaw is already well known to you.

2. Under this new arrangement it is necessary that the British member of the Commission should be an officer stationed in Jerusalem so that he can conduct current business with your Council on behalf of the Commission. This being so, His Excellency has decided that Mr. R. Newton shall replace Mr. Somerville since the latter would be unable to perform the necessary duties because he is stationed at Tulkarm and not in Jerusalem.

Both these changes will take effect from the 15th February 1945.

3. His Excellency is confident that these appointments will ensure the continuation of the friendly cooperation between your Council and the Commission which has been so satisfactory in the past.

I am, Gentlemen,
Your obedient servant,

Supreme Moslem Council,
Jerusalem.

(sd) J. V. W. Shaw

CHIEF SECRETARY. *MW*

١٤ شباط سنة ١٩٤٥

س/ك/٤٥٠/٣٧

حضرات السادة اعضاء المجلس الاسلامي الاعلى المحترمين
القدس

او عزالي الصندوب السامي ان اعلمكم انه بالنظر لقرب مغادرة المستر ا.ل .
كركرايد الى عدن ، عين فخامته سعادة القاضي ب. ف. شو ، رئيسا للجنة
الجمعية بمقتضى نظام الدفاع (الاوقاف الاسلامية) لسنة ١٩٣٧ ، لمراقبة وادارة
مالية الاوقاف الاسلامية في فلسطين . والقاضي شو معروف لديكم جيدا .

٢ . وعلا بهذا الترتيب الجديد من الضروري ان يكون العضو البريطاني
في اللجنة موظفا مركزه في القدس حتى يشق له القيام بالاعمال المألوفة مسرع
مجلسكم بالنيابة عن اللجنة ، وفي هذه الحال ، قرر فخامته ان يحصل
مسترا . نيوتن محل مستر سمرفيل ان ان الاخير يتعذر عليه الاضطلاع
بالواجبات الضرورية لان مركز عمله في مدينة طولكرم وليس في القدس .

وسيعمل بهذين التفسيرين اعتبارا من ١٥ شباط سنة ١٩٤٥ .

٣ . ان فخامته لواتق بان هذين الشعيين سيؤمنان دوام التعاون الودي
القائم بين مجلسكم واللجنة ، ذلك التعاون الذي كان على اتم ما يكون في
الماضي .

واقبلوا فائق الاحترام

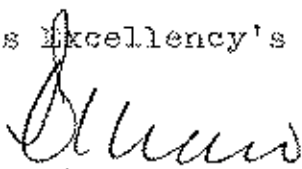
السكرتير العام

(169)

ORDER MADE UNDER THE DEFENCE
(MOSLEM AWQAF) REGULATIONS, 1937.

BY VIRTUE of the powers vested in him by the Defence (Moslem Awqaf) Regulations, 1937, the High Commissioner has appointed Mr. R. NEWTON to be a member of the Commission appointed for the control and management of the finances of Moslem Awqaf in Palestine, with effect from the 15th February 1945, in succession to Mr. J. SOMERVILLE who shall cease to be a member of the Commission on that date.

By His Excellency's Command,



CHIEF SECRETARY.

/3 February 1945.

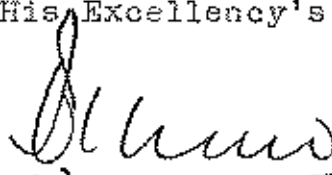
(SF/450/37)



ORDER MADE UNDER THE DEFENCE (MOSLEM
AWQAF) REGULATIONS 1937.

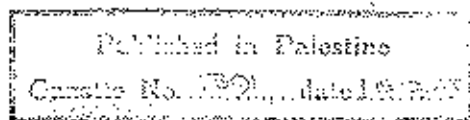
BY VIRTUE of the powers vested in him
by the Defence (Moslem Awqaf) Regulations
1937, the High Commissioner has appointed
His Honour Mr. Justice B.V. SHAW to be
Chairman of the Commission appointed for
the control and management of the finances
of Moslem Awqaf in Palestine, with effect
from the 15th February 1945, in succession
to Mr. A.L. KIRKBRIDE, O.B.E.

By His Excellency's Command,



CHIEF SECRETARY.

13 February 1945.
(SF/450/37).



EM.

Copy- orig. on 9/50/100

CHIEF JUSTICE'S CHAMBERS,
COURTS OF JUSTICE,
JERUSALEM.

D/3/8.

6th February, 1945.

CONFIDENTIAL.

Your Excellency,

With reference to your confidential letter No. SF/459/37 of the 3rd of February, 1945, I have the honour to inform you that I agree that Mr. Justice Shaw should be appointed Chairman of the Awqaf Commission, and that Mr. Justice Shaw accepts the appointment.

x x x x

(Sga) W. G. Fitzgerald
Chief Justice

166

Ans. 167

2. Feb.

February, 1945.

Sir,

I have the honour to inform you that it has become necessary to relieve Mr. A.L. Kirkbride of the duties of Chairman, Awqaf Commission, which he holds under the Defence (Moslem Awqaf) Regulations 1937. I would explain for Your Honour's confidential information that it is expected that Mr. Kirkbride will shortly be leaving Palestine on promotion; hence the necessity for making new arrangements quickly.

Until, in October 1940, Mr. Kirkbride was appointed Chairman of the Commission that post had been held by senior members of the Judiciary, the last of whom was His Honour Mr. Justice B.V. Shaw who only relinquished the appointment owing to his transfer from Jerusalem to Jaffe. In selecting a new Chairman I am impressed by the advantages which would result from the re-appointment in that capacity of Mr. Justice Shaw who so successfully filled the position on a previous occasion and whose relations with the Moslem authorities concerned were, and still are, excellent. In the circumstances I feel justified in enquiring whether, in spite of the heavy burden already borne by Members of the High Court, Your Honour will be agreeable to this appointment and, if so, whether Mr. Justice Shaw will accept.

3. If, as I hope, Mr. Justice Shaw becomes Chairman of the Commission it is my intention to appoint Mr. R. Newton as the British member in succession to Mr. Somerville who is stationed at Tulkarm and is consequently unable to perform the duties of active member of the Commission which necessitates

His Honour
The Chief Justice.
JERUSALEM.

residence in Jerusalem. I mention this intention as an assurance that there will be a competent working member in the same role as was filled by Mr. Kirkbride when Mr. Justice Shaw was Chairman of the Commission in 1939 and 1940. I am satisfied that Mr. Newton possesses the requisite qualities and knowledge.

The other member of the Commission will continue to be Sheikh Hussam eddin eff. Farah, who has served in that capacity since October 1967.

4. Should Your Honour wish to do so, I would have no objection to your showing this letter to Mr. Justice Shaw, for his confidential information.

Your Honour will be aware that the appointment of Chairman carries an allowance of LP 250 per annum.

I have the honour to be,
Your Honour's
obedient servant,
HIGH COMMISSIONER

Yours faithfully,
[Signature]

Yours faithfully,
[Signature]

Yours faithfully,
[Signature]

SF/450/37.

17 May, 1943.

C
Don't be
1/2

153

Many thanks for your letter
No. 12030 of the 8th May, regarding
Somerville and the Awqaf Commission.

Once a fortnight will meet
the case perfectly so far as I am
concerned.

Yours

E.H.

R.E.H. Crosbie Esq., C.M.G., C.B.E.

Mr. Kitchin
1/2
1/2

161A

Note on the Aqsa Commission.

(Aqsa = Moslem religious trusts and endowments).

1. Following on the dismissal, owing to his subversive activities, of Haj Amin el Husseini from the posts of President of the Jordan Council and Chairman of the General Waqf Committee, it was deemed necessary to make adequate arrangements to ensure continuation of Aqsa services.

2. The problem was discussed at folios (3), (4), (11), (13), ^{eventually} (13) the Defence (Moslem Aqsa) Regulations 1937 were made - folio (21a) - and provided for the appointment of a commission composed of a Chairman and two members "to control and manage the Moslem Aqsa". Concurrently a Government communique was issued - folio (22).

The Commission was appointed - folio (20) - on the 16th October 1937 composed of :-

Chairman : Mr Justice Greene.

Members : Sheikh Hussein eddin Jarallah.

A.L. Kirkbride (who was the active working member responsible for the actual conduct of affairs).

3. Mr. Justice Greene continued as Chairman until he left Palestine; he was then replaced by His Honour Judge Shaw on the 16th Feb; 1939 - folio (146). When Judge Shaw was transferred to Jaffa it was deemed impracticable to retain him as Chairman - folio (135). The question of his replacement was discussed at minutes (134) - (137) and it was decided to break with the 'Judicial' tradition and to appoint A.L. Kirkbride (already a member) as Chairman, his place as member being taken by Mr. J. Somerville who was then stationed in Jerusalem and who had a good knowledge of Arabs and Arabic; this was effected in October 1940 - folios (136) (137) - and is still the position to date (21st January 1945).

4. It should be noted that under that latest arrangement A.L. Kirkbride continued the actual conduct of business and it is for this reason only that it has been possible to retain Mr. Somerville as a member despite his transfer outside Jerusalem.

AMR
21/1/45

Ref.No. 12030

DISTRICT COMMISSIONER'S OFFICES,
LYDDA DISTRICT,
JAFFA.
8 May, 1948. (159)

Dear Kirkbride,

Sec. Sec: Please put up on file re
Reply of 'Hanging Commission'

I must apologize for my delay in answering formally your letter dated the 25th of April about the Avgaf Commission; but Somerville will already have told you that I have agreed to his attending meetings of the Commission on alternate Saturday mornings until further notice.

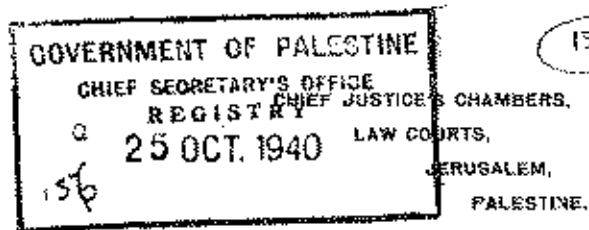
Although the actual meeting may take only an hour or two, the time of travelling is not less for a short meeting than for a long one, and every meeting means in effect a morning lost to the District Administration. Hence I fear that I cannot spare him for a morning every week, but I hope to be able to continue sparing him once a fortnight if that meets your case.

He is therefore attending your meeting to-day as you suggested.

Yours sincerely
O. St. G. Noble

A.L. Kirkbride Esq., O.B.E.,
Avgaf Commission,
c/o Chief Secretary's Office,
JERUSALEM.

A/AH.



D/3/8.

23rd October, 1940.

1 Your Excellency,

I have the honour to acknowledge
your SF/450/37 of the 18th October,
1940, and to inform you that I have
forwarded ^{there} copy of the letter from the
Supreme Moslem Council to Judge Shaw.

I have the honour to be,
Your Excellency's obedient,
humble servant,

1 *Harry Truman*

CHIEF JUSTICE.

His Excellency
The High Commissioner.

Extract from Gazette No 1049 Supp. 2 of 10.10.40

ORDER MADE UNDER THE DEFENCE (MOSLEM AWQAF)
REGULATIONS, 1937.

(157)

By virtue of the powers vested in him by the Defence (Moslem Awqaf) Regulations, 1937, the High Commissioner has appointed Mr. J. SOMERVILLE to be a member of the Commission appointed for the control and management of the finances of Moslem Awqaf in Palestine, with effect from the date of this order, in succession to Mr. A.J. KIRKHAM, who has been appointed Chairman of the Commission.

By His Excellency's Command,

J. S. MACPHERSON

Chief Secretary.

7th October, 1940.

(SF/450/37)

Extract from Gazette No 1048 Supp 2 of 3.10.40

GOVERNMENT OF PALESTINE.

(156)

ORDER MADE UNDER THE DEFENCE (MOSLEM AWQAF)
REGULATIONS, 1937.

By virtue of the powers vested in him by the Defence (Moslem Awqaf) Regulations, 1937, the High Commissioner has appointed Mr. A. L. KIRKBRIDE, O.B.E., to be Chairman of the Commission appointed for the control and management of the finances of Moslem Awqaf in Palestine, with effect from the 1st October, 1940, in succession to His Honour Judge B. V. SHAW who has been transferred to Jaffa.

By His Excellency's Command,

J. S. MACPHERSON
Chief Secretary.

20th September, 1940.
(SF/450/87)

SF/450/37

18th October, 1940.

Sir,

I have the honour to refer to the correspondence ending with your confidential letter No.D/3/8 of the 26th September, 1940, and to inform you that I have received a letter from the Supreme Moslem Council recording their appreciation of the assistance given to them by His Honour Judge Shaw during his term of office as Chairman of the Awqaf Commission.

I enclose a copy of the Council's letter and if Your Honour sees no objection I shall be grateful if it may be forwarded to Judge Shaw.

Dictated by *Mr. Kishkide*
 Entered

Draft approved by *[Signature]*
 Fair copy typed by *[Signature]*

I have the honour to be,
 Your Honour's
 obedient servant,

(Sgd.) HAROLD MACMICHAEL
 HIGH COMMISSIONER.

His Honour
 The Chief Justice,
 JERUSALEM.

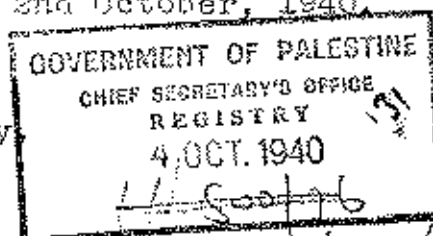
No. 3254/S.F/1/1

Copy - U/SOO/36

Supreme Moslem Council/152
Jerusalem.

2nd October, 1940.

The Honourable,
The Chief Secretary
Jerusalem.



Sir,

CF/450/37

On the occasion of the transfer of
His Honour Judge Shaw to Jaffa, the Supreme
Moslem Council, wishes to convey to you an
expression of their great appreciation of
the assistance rendered by him to the Council
while he was Chairman of the Awqaf Commission.

With highest respects.

(Sgd.) Amin Abdul-Hadi.

for Supreme Moslem Council.

Conf. R.

*2nd Friday 10.10.40
and no time. Please place on 1/11
C.F/450/37, with copy U/SOO/36 9.10.40*

العنوان البرقي : المجلس الاسلامي القدس
صندوق البريد : ٢٩٧
التلفون : ٤٣٧٧ و ٤٣٧٨

المجلس الاسلامي الاعلى

١٥٢٩
٨٢

العدد	٤٤٥٤
الرقم	٤٤٥٤
التاريخ	٣٠ شعبان ١٣٥٩
٢ تشرين اول ١٤٠٠	

٤٥
١٠
٣

الفرس الشريف

١

حضرة صاحب السعادة السكرتير العام المحترم
القدس
=====

بمناسبة انتقال صاحب الشرف المستر شو ليافا
يسر المجلس الاسلامي الاعلى ان يعرب لسعادتكم
عن عظيم تقديره للمعاونة التي اداها للمجلس
الاسلامي الاعلى حينما كان رئيسا للجنة الاوقاف .
وتفضلوا بقبول فائق الاحترام .

١

عن المجلس الاسلامي الاعلى

GOVERNMENT OF PALESTINE.

SF/450/37 (15)

IN REPLY PLEASE QUOTE

No.

THE DISTRICT COURT.

JAFFA.

30th September, 1940.

Sir,

*Y.E. For information
(last Mr Kirkbride should
not submit if filed!)*

(141)

I have to acknowledge receipt of your
No. SF/450/37 dated 24th September, 1940, and
would request you to convey to His Excellency
my thanks for his expression of approval.

By far the larger part of the work
of the Commission was performed by Mr. Kirkbride,
and on vacating my appointment as Chairman
I would like to express my deep appreciation of
the work which he has done and of his excellent
judgment.

I am, Sir,

Your obedient servant,

B. V. Shaw

CHAIRMAN OF THE
AWQAF COMMISSION.

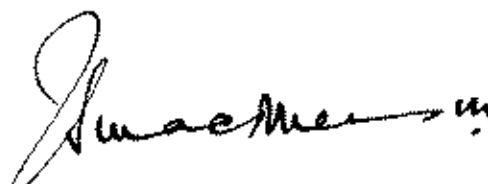
J. S. Macpherson Esq.,
Chief Secretary,
Government Offices,
Jerusalem.

749a

ORDER MADE UNDER THE DEFENCE
(MOSLEM AWQAF) REGULATIONS,
1937.

BY VIRTUE of the powers vested in him
by the Defence (Moslem Awqaf) Regulations, 1937,
the High Commissioner has appointed Mr. J. Somerville
to be a member of the Commission appointed for
the control and management of the finances of
Moslem Awqaf in Palestine, with effect from the
date of this order, in succession to Mr. A. L. Kirkbride
who has been appointed Chairman of the Commission.

By His Excellency's Command,


CHIEF SECRETARY.

7⁶² - October, 1940.
(SF/450/37)

GOVERNMENT OF PALESTINE

30 SEP 1940

146

IN 1 PLEASE QUOTE

No. 1/40

DISTRICT COMMISSIONER'S OFFICES,
JERUSALEM DISTRICT,
JERUSALEM.

CONFIDENTIAL

29th September, 1940.

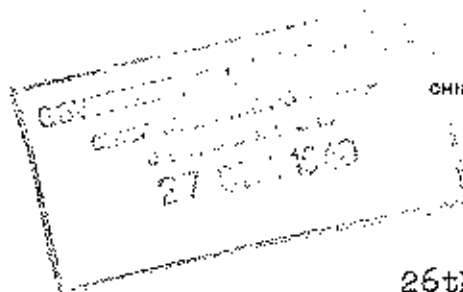
THE CHIEF SECRETARY.

I have the honour to refer to
your letter No. SP/450/37 dated the 24th
September, 1940, on the subject of the
constitution of the Awqaf Commission.

2. Mr. Somerville will be delighted
to serve as a member of the Commission.

DISTRICT COMMISSIONER, JERUSALEM DISTRICT.

A/WT



CHIEF JUSTICE'S CHAMBERS,

LAW COURTS

JERUSALEM,

PALESTINE.

D/3/8.

26th September, 1940.

CONFIDENTIAL.

1

Your Excellency,

142

I have the honour to thank you for your SF/450/37 of the 24th September, enclosing a letter from the Chief Secretary to His Honour Judge Shaw, which I am causing to be forwarded to him.

1

2. I am glad that Your Excellency has been able to appoint a Chairman of the Committee without calling upon an officer of this Department, as at present the Judges are more than fully occupied. If Your Excellency will permit me to say so, I am sure that Mr. A. L. Kirkbride will make an excellent Chairman.

I have the honour to be,
Your Excellency's obedient,
humble servant,

Harry T. ...

His Excellency
The High Commissioner.

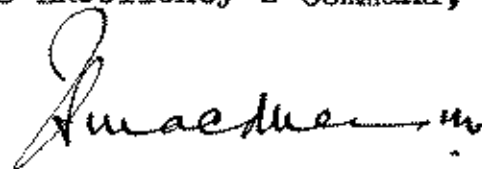
CHIEF JUSTICE.

(144a)

ORDER MADE UNDER THE DEFENCE (MOSLEM
AWQAF) REGULATIONS, 1937.

WYJ
BY VIRTUE of the powers vested in him
by the Defence (Moslem Awqaf) Regulations,
1937, the High Commissioner has appointed
Mr. A.L. KIRKBRIDE, O.B.E., to be Chairman of
the Commission appointed for the control and
management of the finances of Moslem Awqaf in
Palestine, with effect from the 1st October,
1940, in succession to His Honour Judge B.V. SHAW
who has been transferred to Jaffa.

By His Excellency's Command,



CHIEF SECRETARY.

30th September, 1940.

(SF/450/37)

Extract from Gazette No. 907 of 27.7.40

143

ORDER MADE UNDER THE DEFENCE (MOSLEM AWQAF)
REGULATIONS, 1937.

By virtue of the powers vested in him by the Defence (Moslem Awqaf) Regulations, 1937, the High Commissioner has appointed His Honour Judge B. V. SHAW to be Chairman of the Commission appointed for the control and management of the finances of Moslem Awqaf in Palestine, with effect from the date of this order, in succession to His Honour Mr. Justice GREENE who has left Palestine.

By His Excellency's Command.

J. S. MACPHERSON
Chief Secretary.

18th July, 1939.
(SP/450/37)

SF/450/37.

24 September, 1940.

CONFIDENTIAL.

Sir,

I have the honour to acknowledge the receipt of your confidential letter No. D/3/8 of the 10th September, 1940, and note with regret that His Honour Judge Shaw will not be able to continue to serve as Chairman of the Awqaf Commission owing to his transfer to Jaffa.

In the circumstances I propose to terminate his appointment as Chairman of the Commission with effect from the 30th September, 1940, and an order to that effect will be published in the Palestine Gazette.

I would add for Your Honour's information that I propose to appoint Mr. A.L. Kirkbride to be Chairman of the Commission in succession to Judge Shaw.

2. Judge Shaw has carried out his duties on the Commission with tact and ability, and if Your Honour sees no objection I shall be grateful if the enclosed letter may be transmitted to him.

3. In conclusion, I wish to take this opportunity to again thank Your Honour for the help afforded to me in allowing officers of the Judicial Department to fill this post during the last three years.

I have the honour to be,
Your Honour's
obedient servant,

HIGH COMMISSIONER.

His Honour
The Chief Justice.

Mr. Kirkbride

CS

24/9

Copied on PF

141

SF/450/37.

24 September, 1940.

Sir,

I am directed to inform you that it has been intimated to the High Commissioner that owing to your transfer to Jaffa it will not be possible for you to continue to serve as Chairman of the Commission. Your appointment will accordingly terminate on the 30th of September. His Excellency has asked me to convey to you his deep appreciation of the manner in which you have carried out the responsible duties of the post of Chairman of the Commission.

I am,
Sir,
Your obedient servant,

Mr. Kirkland

AS

18/27/9

CHIEF SECRETARY.

His Honour Judge B.V. Shaw,
Chairman of the Awqaf Commission,
Jerusalem.

*Note: this letter was sent
as an enc. to 142*

SF/450/37.

24 September, 1940.

CONFIDENTIAL & URGENT.

District Commissioner,
Jerusalem District.

I am directed to inform you that owing to the transfer of His Honour Judge Shaw to Jaffa it will be necessary to nominate a new Chairman of the Awqaf Commission with effect from the 1st October, 1940. The High Commissioner has decided that Mr. A.L. Kirkbride, who is at present a member of the Commission, shall be Chairman vice Judge Shaw and this will necessitate the appointment of a new member to replace Mr. Kirkbride.

2. It is the High Commissioner's wish that Mr. J. Somerville of your office should become a member of the Commission, and His Excellency hopes that there will be no unsurmountable difficulty in the way of this. I am to explain that for the present the work of the Commission will be arranged in such a manner as will ensure that Mr. Somerville will not have to devote more than an hour or two once a week to this new duty and there will therefore be no serious interference with his work as an Assistant District Commissioner.

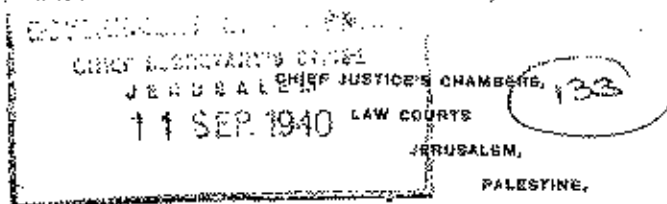
3. I am to request that you will ascertain as soon as possible whether Mr. Somerville is willing to serve as a member of the Commission, and inform me of the result.

This appointment carries with it a special non-pensionable allowance of LP 200 per annum.

Mr. Kirkbride
CS.
EB 24/9

2000 J. S. MACHINERY

CHIEF SECRETARY.



D/3/8.

10th September, 1940.

CONFIDENTIAL.

Your Excellency,

1 I have the honour to refer to your Confidential SP/450/37 of the 20th July, 1939, and to inform you that His Honour Judge Shaw has now been transferred to Jaffa, and that in consequence I regret that it will not be possible for him to continue to act as Chairman of the Awqaf Commission.

1 2. I regret that I have not complied with the second paragraph of paragraph 2. of Your Excellency's letter. This is due to a misunderstanding on my part owing to the fact that I had not seen your letter,

His Excellency
The High Commissioner.

SF/450/37

10th May, 1940.

Sir,

(127) I am directed to refer to your letter No.DCJ/P/64 of the 2nd May, 1940, and to inform you that His Excellency has approved the proposal that Mr. A.L. Kirkbride should act as chairman of the Commission during your absence on leave.

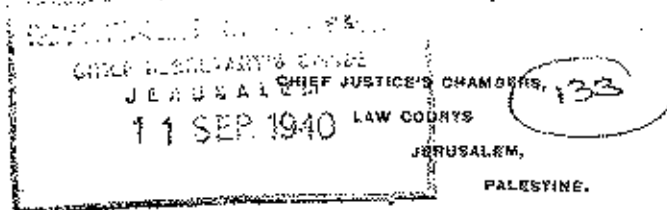
I am, Sir,

Your obedient servant,

127
Mr. Kirkbride
9/5/40

CHIEF SECRETARY.

His Honour
Judge B. V. Shaw,
Chairman, Awqaf Commission.



D/3/8.

10th September, 1940.

CONFIDENTIAL.

Your Excellency,

I have the honour to refer to your Confidential SF/450/37 of the 20th July, 1939, and to inform you that His Honour Judge Shaw has now been transferred to Jaffa, and that in consequence I regret that it will not be possible for him to continue to act as Chairman of the Awqaf Commission.

2. I regret that I have not complied with the second paragraph of paragraph 2. of Your Excellency's letter. This is due to a misunderstanding on my part owing to the fact that I had not seen your letter,

His Excellency
The High Commissioner.

- 2 -

which arrived while I was on leave last
year.

I have the honour to be,
Your Excellency's obedient,
humble servant,

Harry T. Reed

CHIEF JUSTICE.

IN REPLY PLEASE QUOTE
No. DCJ/P/64.

GOVERNMENT OF PALESTINE

2 MAY 1940

THE DISTRICT COURT,
Jerusalem.

2nd May, 1940.

Sir,

Subject:- Awqaf Commission.

I have the honour to inform you that I have applied for 108 days vacation leave to England from 2.6.40, and I have reason to believe that this will be sanctioned.

2. I am therefore writing to ask if you will be good enough to request His Excellency to approve of my being absent from my office as chairman of the Awqaf Commission.

3. I do not know whether His Excellency will wish me to continue in this office when I return from leave, but if so I would like to recommend that Mr. Kirkbride should act as chairman in my absence, and that he should draw the chairman's allowance in lieu of his allowance as a member of the Commission. In this connection I would however mention that as a Relieving President I am not stationed permanently in Jerusalem.

4. If Mr. Kirkbride acts as chairman I would suggest subject to His Excellency's approval, that for so short a time no new member need be appointed. I have known of no serious divergence of opinion in the past between Mr. Kirkbride and Sheikh Hussam El Din Jarallah, and in any event the chairman has a casting vote as provided for in the Regulations at page 973 Supplement No. 2 of the Official Gazette dated 16.10.37.

5. These Regulations provide that the High Commissioner may appoint any member of the Commission as acting chairman, and the Commission is competent to conduct business if at

any meeting one member in addition to the chairman or
acting chairman is present.

I have the honour to be,

Sir,

Your most obedient servant.

B. V. Khan

CHAIRMAN, AWQAF COMMISSION.

J. S. Macpherson Esq.,
Chief Secretary,
Government Offices,
Jerusalem.

? Why two sheets of paper!
B. V. Khan

time (Defence) Order in Council, 1937, the High Commissioner has been pleased to nominate and the undermentioned person is hereby nominated as a Councillor of the Municipal Corporation of Jerusalem to fill an existing vacancy upon the said Council.

ADEL EFF. JABER in place of SAAD ED DIN EFF. KHALIL.

By His Excellency's Command.

J. S. MACPHERSON
Chief Secretary.

19th July, 1939.

ORDER MADE UNDER THE DEFENCE (MOSLEM AWQAF)
REGULATIONS, 1937.

By virtue of the powers vested in him by the Defence (Moslem Awqaf) Regulations, 1937, the High Commissioner has appointed His Honour Judge B. V. SHAW to be Chairman of the Commission appointed for the control and management of the finances of Moslem Awqaf in Palestine, with effect from the date of this order, in succession to His Honour Mr. JUSTICE GREENE who has left Palestine.

By His Excellency's Command.

J. S. MACPHERSON
Chief Secretary.

18th July, 1939.
(SP/450/37)

PALESTINIAN CITIZENSHIP ORDER, 1925.

NOTICE.

NOTICE IS HEREBY GIVEN that Mr. AZRIEL SOCHACZEWSKI, having in a foreign state and not under disability by a voluntary and formal act become naturalized therein, ceased as from the date of such naturalization to be a Palestinian citizen in accordance with the provision of Article 15 of the Palestinian Citizenship Order, 1925.

J. S. MACPHERSON
Chief Secretary.

19th July, 1939.
(1/260/38)



Supplement No. 2
to
The Palestine Gazette No. 907 of 27th July, 1939.

PALESTINE (DEFENCE) ORDER IN COUNCIL, 1937.

REGULATIONS MADE BY THE HIGH COMMISSIONER UNDER ARTICLES 6 AND 10.

IN EXERCISE of the powers vested in him by Articles 6 and 10 of the Palestine (Defence) Order in Council, 1937, the High Commissioner has made the following regulations :—

- | | |
|---|---|
| 1. These regulations may be cited as the Defence (Amendment) Regulations (No. 10), 1939. | Citation. |
| 2. In these regulations the term "principal regulations" shall mean the Emergency Regulations, 1936. | Interpretation. |
| 3. Sub-regulation (3) of regulation 8 of the principal regulations is hereby amended by the insertion after the word "Ordinance" in the fourth line thereof of the following words :—
"or he may, by notice in the <i>Gazette</i> , declare that any licence issued shall be in force subject to such conditions as he may stipulate." | Amendment of regulation 8 of the principal regulations. |

By His Excellency's Command.

J. S. MACPHERSON
Chief Secretary.

18th July, 1939.
(CP) (70/36)

ORDER UNDER REGULATION 2 OF THE DEFENCE (NOMINATION OF MUNICIPAL COUNCILLORS) REGULATIONS, 1938.

IN EXERCISE of the powers vested in him by regulation 2 of the Defence (Nomination of Municipal Councillors) Regulations, 1938, made under Article 6 of the Pales-

CONFIDENTIAL

SF/450/37

20 July, 1939.

Sir,

I have the honour to acknowledge with thanks the receipt of Sir Harry Trusted's letter No.D/3/8 of the 8th July, 1939, concerning the appointment of His Honour Judge Shaw as Chairman of the Awqaf Commission.

The Order making this appointment will be published in an early issue of the Palestine Gazette.

2. As regards paragraph 3 of the letter under reply, I confirm that Judge Shaw's appointment as Chairman of the Commission will not interfere with his transfer outside Jerusalem as and when necessary in the interests of your Department.

I shall however be grateful if Your Honour will endeavour to give me two or three weeks warning if the necessity for Judge Shaw's transfer arises so that I may be able to consider whether it will be necessary to make any alternative arrangements as regards the Commission.

I have the honour to be,
Your Honour's
obedient servant,

(Sgd.) HAROLD MACMICHAEL
HIGH COMMISSIONER.

His Honour
The Acting Chief Justice,
Jerusalem.

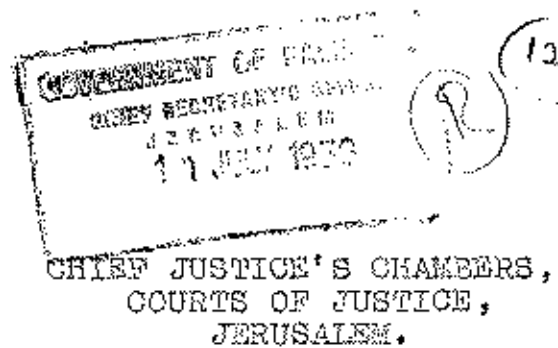
Order made under the Defence (Moslem Awqaf)
Regulations, 1937.

By virtue of the powers vested in him
by the Defence (Moslem Awqaf) Regulations, 1937,
the High Commissioner has appointed His Honour
Judge B.V. Shaw to be Chairman of the Commission
appointed for the control and management of the
finances of Moslem Awqaf in Palestine, with effect
from the date of this order, in succession to His
Honour Mr. Justice Greene who has left Palestine.

By His Excellency's Command,


CHIEF SECRETARY.

18th July, 1939.
(SF/450/37)



Ju
11/7

No. D/3/8.

8th July, 1939.

CONFIDENTIAL.

Your Excellency, (119)

I have the honour to acknowledge your Confidential SF/450/37 of the 7th of July, 1939, on the subject of the appointment of a Chairman of the Awqaf Commission in succession to Mr. Justice Greene.

2. I have placed Your Excellency's letter before Judge Shaw, who will be glad to accept the appointment and can take over the duties as soon as may be convenient.

3. Mr. Shaw as a Relieving President is not stationed permanently in Jerusalem, and I assume that his appointment as Chairman of the Awqaf Commission would not interfere with his transfer should that be necessary in the interests of this Department.

I have the honour to be,
Your Excellency's obedient,
humble servant,

Harry T. ...
CHIEF JUSTICE.

His Excellency
The High Commissioner.

CONFIDENTIAL

HF/450/37

7 July, 1939.

Sir,

I have the honour to address you with reference to the appointment of a Chairman of the Awqaf Commission in succession to Mr. Justice M.C. Greene who has left Palestine on retirement from the public service.

2. It is important that the chairman of the commission should be a British Judge and I understand that when Mr. Justice Greene discussed this question with Your Honour informally you were good enough to agree that a judge should assume those duties when Mr. Justice Greene left Palestine.

I also understand that Your Honour is of the opinion that the most suitable nominee for the appointment would be His Honour Judge B.V. Shaw and I welcome this suggestion. If Your Honour is willing to do so, I shall be grateful if you will be so good as to invite Judge Shaw to accept nomination as Chairman of the Awqaf Commission, and in the event of his acceptance I shall be glad to learn when he will be able to assume duty in that capacity. On receipt of this information I will issue the necessary Order under the Defence (Moslem Awqaf) Regulations, 1937.

3. As Your Honour is aware it will not be necessary for Judge Shaw to give up his duties in the Courts in order to become Chairman of the Commission, and he will receive a special allowance of £250 per annum in recognition

His Honour
The Chief Justice,
Jerusalem.

of the additional work and responsibility resulting from his appointment to the Commission.

4. I take this opportunity to express my deep appreciation of the help afforded to me by Your Honour's willingness to allow Mr. Justice Greene to serve as Chairman of the Commission over a long period.

I have the honour to be,

Your Honour's
obedient servant,

(Sd) RICHARD MACDONALD

HIGH COMMISSIONER.

W. M. Kitchin
Left up to 10/11/58
Not done typed by 4/7

22 July, 1938.

SF/450/37.

Sir,

I have the honour to refer to your letter No.D/1/4 of the 15th July, 1938, and to inform you that I have approved the appointment of Mr. Justice Plunkett as Acting Chairman of the Awqaf Commission during the absence on leave of Mr. Justice Greene.

The official notification of the appointment will be published in the Palestine Gazette as soon as possible.

2. I am most grateful to you for your assistance in this matter, and to Mr. Justice Plunkett for agreeing to act as Chairman of the Commission.

I have the honour to be,

Sir,

Your obedient servant,

HIGH COMMISSIONER.

His Honour
The Acting Chief Justice.

Mr. Kirkbride

COPY.

113a

Original is at (235a) U/894/31

ORDER MADE UNDER THE DEFENCE (MOSLEM
AWQAF) REGULATIONS, 1937.

By virtue of the powers vested in him
by the Defence (Moslem Awqaf) Regulations, 1937,
the High Commissioner has appointed His Honour
Judge Plunkett to be the Chairman of the
Commission appointed for the control and
management of the finances of Moslem Awqaf in
Palestine, during the absence on leave of His
Honour Mr. Justice Greene, with effect from
the 19th July, 1938.

By His Excellency's Command,

(Sgd.) S. MOODY.

ACTING CHIEF SECRETARY.

25th July, 1938.

U/894/31.



Supplement No. 2

to

I The Palestine Gazette No. 802 of 28th July, 1938.

ORDER MADE UNDER THE DEFENCE (MOSLEM AWQAF)
REGULATIONS, 1937.

BY VIRTUE of the powers vested in him by the Defence (Moslem Awqaf) Regulations, 1937, the High Commissioner has appointed Mrs Honour JUDGE PLUNKETT to be the Chairman of the Commission appointed for the control and management of the finances of Moslem Awqaf in Palestine, during the absence on leave of His Honour Mr. Justice GARENE, with effect from the 19th July, 1938.

By His Excellency's Command,

S. MOODY

Acting Chief Secretary.

25th July, 1938.

(U/894/31)

CURFEW AMENDING ORDER.

NOTICE IS HEREBY GIVEN that the curfew order issued by me on the 6th July, 1938, shall be amended to read "between the hours of 9 p.m. and 4 a.m." instead of "7 p.m. and 5.30 a.m.", as from the 10th July, 1938.

MORRIS BAILEY

*District Commissioner,
Haifa and Samaria District.*

10th July, 1938.

CURFEW ORDER.

IN EXERCISE of the powers conferred on me by regulation 10 of the Emergency Regulations, 1936, made under the Palestine (Defence) Orders in Council, 1931 and 1936, I, MORRIS BAILEY, District Commissioner of the Haifa and Samaria District, hereby order that as from this day and until further notice every person within the boundaries of the lands of Balad es Sheikh, Nesher and Yajour shall remain within doors for twenty-two hours daily from 8 a.m. till 6 a.m., and I hereby give notice that any person being or remaining out of doors between these hours without a permit in writing from me or some other duly authorised person will render himself liable to prosecution for an offence under the regulations made under the above-mentioned Orders in Council.

MORRIS BAILEY
*District Commissioner,
Haifa and Samaria District.*

12th July, 1938.

CURFEW ORDER.

IN VIRTUE of the powers vested in me by regulation 10 of the Emergency Regulations, 1936, I, B. C. GIBBS, Assistant District Commissioner, Safad Division, hereby order that every person within the municipal area of Safad, excluding the Jewish Quarter, shall remain within doors from 9.30 a.m. on the 16th July, 1938, to 6.30 a.m. on the 17th July, 1938, and I hereby give notice that any person being or remaining out of doors between these hours without a written permit signed by me or by the Officer Commanding, 2/R.U. Rifles, will render himself liable to prosecution for an offence under the above regulations.

B. C. GIBBS
*Assistant District Commissioner,
Safad Division.*

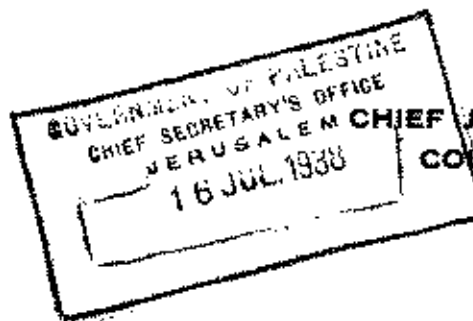
16th July, 1938.

CURFEW ORDER.

IN VIRTUE of the powers vested in me by regulation 10 of the Emergency Regulations, 1936, I, B. C. GIBBS, Assistant District Commissioner, Safad Division, hereby order that every person within the municipal area of Safad, excluding the Jewish Quarter, shall remain within doors from 9 a.m. on the 17th July, 1938, until 9 a.m. on the 18th July, 1938, and I hereby give notice that any person being or remaining out of doors between these hours without a written permit signed by me or by the Officer Commanding, 2/R.U. Rifles, will render himself liable to prosecution for an offence under the above regulations.

B. C. GIBBS
*Assistant District Commissioner,
Safad Division.*

17th July, 1938.



CHIEF JUSTICE'S CHAMBERS,
COURTS OF JUSTICE,
JERUSALEM.

No. D/1/4.

15th July, 1938.

Your Excellency,

I have the honour to refer to your letter SF/450/37, dated the 14th July, 1938, and to suggest that Judge Plunkett should be appointed by you as Acting Chairman of the Awqaf Commission during the absence on leave of Mr. Justice Greene. I have already consulted with Mr. Justice Greene on the matter and have also seen Judge Plunkett, who is willing to act. I am only too glad to be of any assistance I can be in the matter.

I have the honour to be,

Your Excellency's obedient,

humble servant,



A/CHIEF JUSTICE.

His Excellency
The High Commissioner.

SF/450/37.

14 July, 1938.

Sir,

I understand that Mr. Justice Greene is proceeding on leave on the 16th July, and it is therefore necessary to arrange for the appointment of an officer to replace him as Chairman of the Awqaf Commission during his absence on leave.

2. The Awqaf Commission was appointed under the Defence (Moslem Awqaf) Regulations, 1937, and by agreement with His Honour the Chief Justice the proposals submitted to and approved by the Secretary of State emphasised the desirability of having a Judicial officer as Chairman of the Commission. The fact that the Chairman would be a Judicial officer was also mentioned in Official Communiqué No. 18/37 of the 16th October, 1937, which was issued in connection with the setting up of the Awqaf Commission.

3. In view of the facts set out in the immediately preceding paragraph I consider it most important that the acting Chairman to be appointed during Mr. Justice Greene's absence on leave should be a British Judicial officer and I shall be grateful if Your Honour will be so good as to nominate such an officer for appointment by me as acting Chairman of the Awqaf Commission.

HIS HONOUR
THE ACTING CHIEF JUSTICE,
JERUSALEM.

I am sorry to have to make this request at a time when many Judicial officers are absent on leave but I feel sure that Your Honour will appreciate that I have no alternative to doing so.

The duties and powers of the Commission are defined in the Defence (Moslem Awqaf) Regulations of 1937 which were published in Palestine Gazette Extraordinary No.730 of the 16th October, 1937, and Your Honour may wish to consult Mr. Justice Greene as to the amount of work involved but I do not think that the officer appointed as acting Chairman will find it necessary to devote much of his time to this work, as the most difficult part of the Commission's work is now over.

I would add that under the system now in force the Supreme Moslem Council and the Director General of Awqaf carry out the normal administration of Awqaf on behalf of the Commission under the general supervision of Mr. Kirkbride as the Commission's representative and I feel sure that Mr. Kirkbride will do his best to avoid giving the acting Chairman an ~~excessive amount~~ ^{excessive amount} of work.

I have the honour to be,

Your Honour's
obedient servant,

HIGH COMMISSIONER.

Memorandum on Moslem Awqaf.

1. A brief description.

Moslem Awqaf are properties dedicated in perpetuity to the descendants of a particular individual or to religious or charitable purposes.

In some cases the dedication was made by pious individuals. In other cases various Caliphs and Sultans dedicated the taxes (usually the tithe) on certain lands to religious and/or charitable purposes, usually for the upkeep of holy buildings and the payment of the employees attached to those establishments.

The administration of the various Awqaf is governed generally by Moslem Sharia Law and in particular by the conditions laid down in the deed of dedication relating to each particular Waqf.

2. The Awqaf in Palestine.

It is a regrettable fact that there is no complete list of the Awqaf in Palestine. They are, however, all recorded in various obscure registers some of which are kept in district Awqaf Offices and others are locked up in massive wooden chests (e.g. in the Mosque at Hebron) which are kept by hereditary custodians.

The total revenue derived from the Palestine Awqaf which is taken to General Waqf funds is approximately LE 60,000 per annum of which LE 30,000 - LE 35,000 is derived from dedicated tithes and taxes which are collected by Government and paid over to

the Waqf Administration. The £ 60,000 referred to above does not include revenues derived from "family waqfs" which are administered by a Mutawali (trustee) who distributes the funds direct to the beneficiaries. The task of drawing up a comprehensive list has already been put in hand and it is hoped that it may be ready early in July.

It can, however, safely be assumed that if partition follows the general lines of the Royal Commission's proposals, the majority of the Awqaf in Palestine will fall within the Arab State and the Jerusalem "Mandate", leaving a comparatively small number in the Jewish State.

3. Administration of Awqaf up to October, 1937.

In the early days of Islam and until many years after the establishment of the Ottoman Empire the supervision and administration of Awqaf was carried out by the Qadi.

In comparatively recent times the Turkish Government established a Department of Awqaf with headquarters at Constantinople and with local representatives at the various administrative centres throughout the Ottoman Empire. This was in every sense a "Government Department" which, of course, fitted into the picture since the Ottoman Empire was a Moslem State and the Sultan was also the Caliph.

Shortly after the establishment of the present civil administration in Palestine it was decided to constitute a Moslem body "for the control and management of Moslem Awqaf and affairs in Palestine". This body was designated "the Supreme Moslem Sharia Council" and was placed in charge of

Moslem Awqaf and of the Sharia Courts in Palestine.

The constitution and functions of this Council were laid down in the Supreme Moslem Sharia Council Regulations of 1921, and certain further provisions were made in the Supreme Moslem Sharia Council Ordinances of 1926 and 1929.

The regulations of 1921 also provided for the setting up of Local Waqf Committees and for a General Waqf Committee consisting of: the Mufti of Jerusalem (as chairman); the Director General of Awqaf; all Mamours Awqaf (i.e. the officers in charge of district Awqaf Offices); and one member of each local Waqf Committee.

Under this system the Supreme Moslem Sharia Council had, in effect, complete control over all Awqaf and Awqaf officials. The Awqaf budget was sent to Government for "information" but Government had no control whatsoever over the Awqaf or the officials administering them.

4. Present Administration.

As the result of the organised campaign of terrorism and assassination culminating in the murder of Mr. Andrews on the 26th September, 1937, Government took a number of steps against those whose activities had been prejudicial to the maintenance of Public Security in Palestine and who were, therefore, regarded as morally responsible for the terrorism and murders.

One of the steps taken under the Palestine (Defence) Order in Council, 1937, was to deprive Haj Amin Effendi al Husseini of his office of President of the Supreme Moslem Sharia Council, and of membership of the General Waqf Committee of which he was Chairman, with effect from the 30th September, 1937.

Government then gave immediate consideration to the necessity of taking measures to safeguard the interests of the Moslem Community by ensuring the continuance of Awqaf Services. On the 16th October, 1937, the Officer Administering the Government made the Defence (Moslem Awqaf) Regulations, 1937, which, inter alia, empowered the High Commissioner to appoint a Commission composed of a Chairman and two Members to control and manage the Moslem Awqaf in Palestine; the Regulations provided, inter alia, that as from the date of the appointment of the Commission, the Supreme Moslem Sharia Council and the General Awqaf Committee should cease to control, manage or intervene in Awqaf affairs except as the Commission might direct or to exercise any of the powers vested in them by the Supreme Moslem Sharia Council Regulations of the 20th December, 1921, or any other law for the purpose of controlling or managing Moslem Awqaf.

The Defence (Moslem Awqaf) Regulations, 1937, also provided that all funds, cash, securities and deposits appertaining to or deposited on behalf of or vested in the Supreme Moslem Council and the General Awqaf Committee on behalf of the Moslem

Awqaf should be transferred to and vested in the Commission appointed by the High Commissioner; it was further provided in the Regulations that the Commission should have all or any of the powers vested in the Supreme Moslem Sharia Council and the General Waqf Committee by the Supreme Moslem Sharia Council Regulations of the 20th December, 1921, and the Supreme Moslem Sharia Council Ordinance, 1926, for the purpose of controlling and managing the Moslem Awqaf funds, cash, securities and deposits aforesaid.

In an Official Communiqué issued on the same day it was explained that these measures were of a temporary nature until such time as circumstances were favourable for the establishment of a Moslem Awqaf Department or other body to resume control of the Moslem Awqaf in Palestine.

On the 18th October, 1937, the Officer Administering the Government appointed a Commission to be composed of the undermentioned officers for the control and management of the finances of the Moslem Awqaf in Palestine :

Chairman : His Honour
Mr. Justice Greene,
Puisne Judge.

Members : Sheikh Hussam ed Din Jarallah.
Mr. A.L. Kirkbride, O.B.E.

When the Commission were appointed a number of the Awqaf officials were absent from their posts; some having been arrested on account of their subversive activities, others having fled the country or gone into hiding because they feared arrest.

The four members of the Supreme Moslem Sharia Council and those officers of the Awqaf administration who were at their posts accepted the appointment of the Commission without resistance and after a lapse of a few days the machinery was again working, albeit slowly at first, with the result that there was no serious dislocation of essential Waqf services.

So soon as it became apparent that the Supreme Moslem Sharia Council were prepared to co-operate and the Awqaf officials to carry out their normal duties, the Commission, with the approval of Government, decided to entrust the Supreme Moslem Sharia Council with a considerable share in the management of the Moslem Awqaf.

Since the Defence (Moslem Awqaf) Regulations, 1937, precluded the Supreme Moslem Sharia Council from intervening in Awqaf affairs "except as the Commission might direct", the position was regularised by the issue of a letter of instruction from the Commission to the Council embodying the modus vivendi which had been agreed between the two parties and approved by Government.

The Commission reserved to itself certain specific powers in regard to the following matters :-

- (a) Financial control including, inter alia, the approval of the Annual Estimates;
- (b) Contracts;
- (c) The appointment, dismissal and discipline of Awqaf officials; and
- (d) Legal proceedings.

The Commission's letter of instruction also defined the responsibilities and duties of the Awqaf Administration and its officers.

Subject to those conditions and to the reservation by the Commission of the right to exercise at any time all or any of the powers vested in them by the Defence (Moslem Awqaf) Regulations, 1937, the Commission directed that :-

- (i) the Supreme Moslem Sharia Council and the Awqaf Administration should administer and supervise until further notice all Moslem Awqaf affairs in Palestine, in accordance with the procedure followed in the past, in the name of and under the general supervision of the Commission;
- (ii) the Supreme Moslem Sharia Council and the Awqaf Administration should bring legal proceedings connected with the financial interests of the Awqaf, in the name of the Commission, and to enter on behalf of the Commission into any such proceedings brought against the Awqaf;
- (iii) legal proceedings connected with other matters, such as the title to the ownership of immovable property, should be entered into by the Awqaf Administration.

This procedure came into force in December, 1937, and has worked satisfactorily.

5. Proposals for the future.

Under partition it would presumably be necessary to provide for the separate administration of Awqaf in three different areas, in which the system of Government may vary considerably, viz: (a) the Arab area; (b) the Jewish area; and (c) the Mandated area or areas.

- (a) The Government of the Arab area will

presumably have Islam as its "State Religion" and the administration of Moslem Awqaf in their own territory may, therefore, be left to them.

(b) In the Jewish area the best solution would probably be to revert to the old system (vide paragraph 3 above) of placing Awqaf under the Moslem Qadi. This should be acceptable to Arab opinion inasmuch that it conforms to Moslem tradition.

This recommendation is, of course, based on the assumption that under any scheme of partition provision would be made for the existence of Moslem Qadis in the Jewish area; these would be necessary so long as there are Moslems in that area to deal with matters such as marriage, divorce, Moslem orphans' estates and the like. It will presumably be recognised that "Moslem Affairs" are governed by "Moslem Sharia Law".

It would be desirable to have a Local Waqf Committee to assist the Qadi; such Committees might consist of: the Qadi; the Mufti (if there is one) or the eldest of the local Ulema; and one or two local Moslem notables. A Qadi administering Awqaf would probably need special clerical assistance - but this is a matter of administrative detail.

(c) In the Mandated area or areas an arrangement similar to that set out under (b) above would probably be suitable; but it is for consideration whether a special Moslem Committee or Council would be required to take charge of the numerous, and in many cases historically valuable, Mosques and properties in the city of Jerusalem.

6. Conclusion.

The proposals set out above are based on the assumption that it would not be possible to have a central Waqf administration in, say, the Arab area which would appoint "Agents" to the Jewish and Mandated areas. From the practical point of view unity of control over all Awqaf would have many advantages, but local political considerations may preclude any such arrangement, which would, however, be the most acceptable to the Moslem world since it would place the Moslem holy places of Jerusalem under the supervision of an independent Moslem authority.

Under "divided" control there would be many financial details to settle on account of the fact that it will probably be found that some of the revenues derived from Awqaf in one area may be dedicated in whole or in part to services which extend to the other areas. This would not, however, constitute a very difficult problem and it is one which could be settled by negotiation and, if necessary, by litigation after partition has been brought into effect.

MM
7.6.38

SF/450/37.

SECRET.

18 May, 1938.

Sir,

999
I am directed by the High Commissioner to acknowledge the receipt of your letter of the 5th May, 1938, enclosing a copy of your handing over report on Awqaf affairs, which His Excellency has read with interest.

The High Commissioner has further directed me to convey to you an expression of His Excellency's appreciation of the services rendered by you as a member of the Awqaf Commission during a very difficult period.

I am,

Sir,

Your obedient servant,

(Sgd.) W. D. BATTERSHILL

CHIEF SECRETARY.

R.F.JARDINE, ESQ., C.M.G., O.B.E.

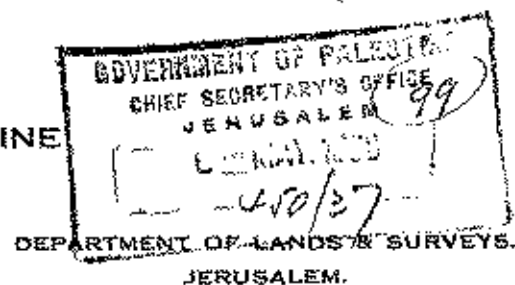
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IN REPLY PLEASE QUOTE
No. _____

GOVERNMENT OF PALESTINE



5th May 1938.

SECRET.

Sir,

(99a) I have the honour to submit a
copy of my handing-over report upon
Awqaf affairs.

I have the honour to be,

Sir,

Your obedient servant.

Chief Secretary,
Government Offices,
Jerusalem.

6/5/38

J/P

Handing-Over Note.1. General.

This is a report upon the conduct of Awqaf affairs during the period between 16th December 1937 and 23rd April 1938.

I assumed the⁵² duties, in addition to my ordinary Lands work, and in addition also to my extraordinary duties in connection with the compensation for damages suffered to property during the 1936 riots. Even if the general method, staff and equipment of the Awqaf Commission had resembled any ordinary office, I doubt whether any man could satisfactorily carry out the duties which were handed over to me, in addition to the duties I was already burdened with. As it was, the Commission was composed of three officers two of whom besides myself already had full-time responsibilities, and of members each of whom had his office in another part of the town. Since also the Supreme Moslem Council still have their offices in the Haram, which as the St. Stephen's Gate was closed, could only be reached by walking from the Damascus Gate, I had to waste much time in travelling. A further inconvenience was occasioned by the lack of a confidential clerk and confidential typist. As a consequence of what I have described above, I was unable to dig as deeply in Awqaf affairs as I consider was demanded by efficiency.

But there were other impediments. The S.M.C. were themselves anything but a united body. As individuals their altruism was not always obvious. Their lack of cohesion was particularly apparent in the discussion of the choice of persons to fill the posts of Mudir and Mamurs. Since it had been decided to hand back much of the executive power to the Council, the Commission's work of controlling the

administration of the Awqaf through such a Council became a cumbersome and awkward affair.

Haj Amin had filled the Sharia Courts and Awqaf offices with officials he had chosen for their political usefulness to him in his own ends. Many of these personages, suspecting that the Government might not be too kindly disposed towards them, were hiding in the Haram, and some of them, the Police were convinced, were active in the instigation of, and complicity in, terrorist crimes. I therefore had to spend much time in endeavouring to persuade the S.M.C. to assist the Government in the effort to "clear up" the Haram.

See 4th page 26 of 92.

2. Relations with the S.M.C.

As Mr. Kirkbride reports on page 9 of his handing-over note, a letter defining the further relations between the Commission and the Supreme Moslem Council was sent on the 4th December 1937 and on the 14th December before Mr. Kirkbride left, the Council met the Commission and discussed the terms proposed which were consequently re-drafted and despatched again on the 20th December.

By this modus vivendi the S.M.C. were for all practical purposes handed back the powers of control taken over by the Commission, except that the Commission reserved in general the right to resume again all or any of its powers, and in particular maintained the right to approve or disapprove of appointments of senior officials, and to approve of any new appointments of other officials, with the exception of religious officers. Copies of the letter defining these arrangements were handed to the Chief Secretary and copies are filed in the Commission Secret file CF/Awqaf/4. It was found in practice that it was not always possible to adhere to the principles laid down. For instance the Commission found it necessary peremptorily to demand the removal of several religious and other officers regarding whom the Government had made official representations, though I must say that the members, with one exception, of the Supreme Moslem Council did at any rate attempt to co-operate with the Commission on the lines laid down. Soon after these relations were agreed upon, Amin Bey Tamimi who was behaving as if he were the acting President of the Council (probably under instructions from Haj Amin), began to absent himself from the meetings, and went to Haifa where he stayed until just before the 'Id al Adha, when he returned to Jerusalem for a day or two. He then departed to Egypt where he stayed for over a month. On the few occasions when

Then description
of the position
does not give
a full picture,
as part of
the work is
done by the
Government
and the
Commission
is unable to
intervene.

I

He was the acting
President + he was
not a member of the
Council. He was
the only one of the
Council who was
not a member of the
Council.

he was present in the Council he used all the guile for which he is notorious to induce his colleagues to oppose the Commission. He was particularly obstinate regarding the removal of any official who was a political nominee of Haj Amin.

3. Appointment of new Mamurs (see Mr. Kirkbride's report pages 18, 19 and 20)

On the 6th January the Commission were informed that H.E. the High Commissioner who considered that firm action should be taken, approved of the Commission's proposal that all six Mamurs Awqaf should be dismissed and new ones appointed in their place. It took some time before the Council could be induced to agree upon the new Mamurs but eventually the following were appointed :-

Acre - Muhammed Tewfiq al Fahum.
Nablus - Haj Shafi Abdul Hadi.
Jerusalem - Yaqub Abdul Huda.
Jaffa - Dr. Yusuf Haikal.
Hebron. Sheikh Yusuf al Tahbub.
Gaza - Mustafa al Reis.

None of these have at any time been political adherents of Haj Amin but although some of them notably Haj Shafi and Yaqub Abdul Huda, are known to have been his opponents, the Commission were satisfied that none of them were active politicians of Raghib Nashashibi's party. I make special mention of this because I am aware that there has been some criticism of the Commission's approval of the man chosen by the S.M.C., particularly in the case of Yaqub Abdul Huda - but up to date this Mamur has amply justified his appointment.

Handwritten note:
Haj Amin
by me
going on leave

4. Appointment of new Director General.

At page 20 of his report, Mr. Kirkbride had recommended that the Accountant Fayad al Khadhra should continue to act as Director General (Mudir 'Am) but his period of trial in that post has shown him to be unsuitable. Actually the Majlis were always suspicious of him and wished to hasten the appointment of a Director General, so that they could dispense with Fayad. ^{that} ~~Where~~ he is an excellent accountant, he is fanatical, unbalanced, garrulous, indiscreet, unable to manage men. Moreover he has always been suspected both by the Police and by the S.M.C. and until I arranged with Mr. Kingsley Heath to restore his confidence, was continually bolting from his work to conceal himself in some hide-away in the Haram. I have not always been free from an uneasy feeling that he is in some form of communication with the Palestinian politicians in Syria, whither he has sent his family. The members of the Supreme Moslem Council were unable to reach unanimity upon the choice of a person to fill the post of Director General. They therefore joined the Commission in a very vehement request that Government should lend them one of the best District Officers. The Government on the other hand thought that every avenue which might lead to the appointment of an "unofficial" should be explored. The S.M.C. then suggested the name of Muhammed Yunis al Hussaini, an employee of the Arab Bank who had recently been detained by the Police.

The Commission had to veto this proposal since it appeared obvious that this was merely a political move engineered by Raghib Nashashibi to create dissension amongst his Hussaini opponents. In any case the Awqaf administration is already too redolent of the name of Hussaini. Other persons

what I said was that
I had found him
satisfactory &
helpful & that
as long as Mr.
Kirkbride had no
reason to be
dissatisfied with
him, I would
not continue

proposed were Adil Jebr and Dr. Yusuf Haikal, the newly appointed Mamur of Jaffa. Both of these have Christian wives, and the former was rumoured to have given his children a Christian baptism. The latter is a most promising official but his judgment is as yet unformed and he has no experience of handling men. Both of these candidates were opposed by Sheikh Hussam ad Din and in the Majlis only Amin Abdul Hadi supported them. ^{Another candidate,} Abdullah Mukhlis of Haifa, was strongly backed by Sheikh Hussam ad Din, and, in the Majlis, by two members out of three, namely Abdurrahman Taji and Sheikh Muhi ud Din. The Government finally conveyed to the Commission their approval of his appointment to Director General, and the Majlis appointed him on the 16th April, but owing to the Nebi Musa holidays, he was to assume his duties on the 23rd.

5. Secretary to the Majlis.

Another post which should be filled is that of Secretary to the Majlis. I had again and again pressed the members to suggest names but so far no appointment has been made. Amin Abdul Hadi favouring Adil Jebr, and Sh. Muhi ad Din a young man from Beersheba called Sadi al Bisaiso. The latter would appear to be the preferable.

6. Orphanage School.

The Principal of the Orphanage School, a post which carries or is to carry with it the duties (paid) of Inspector of Awqaf Schools is another important post. Mr. Farrell has agreed, on certain conditions, to lend one of his headmasters for a period of six months or so, called, *Yahia Shihabi*, if the Government agrees to his loan, he should be required to clear up the ^{Arabic} ~~Arabic~~ stall-

As to the relative merits of the candidates I agree that we have not yet seen the Commission and should consult with the C.M.C. on this point.

There has been a request to Mr. Farrell to lend one of his headmasters for a period of six months or so, called, *Yahia Shihabi*, if the Government agrees to his loan, he should be required to clear up the ^{Arabic} ~~Arabic~~ stall-

in the Dar al Aitam School, and report on the system of subsidisation of Awqaf Schools.

The "Rawdhat al Ma'arif" which is a kind of private college run chiefly by and for the influential families is heavily subsidised both by buildings free of rent, and by cash assistance from the Awqaf. Yahia Shihabi should be asked to inspect and report on this college and the Director of Education should be asked to comment on the system of subsidisation.

7. The Haram as killers' Lair.

One of the most difficult and disturbing questions which the Government, and consequently the Awqaf Commission had to face, was the advantage taken of the sanctity of the Haram by agitators and killers.

Whilst, during my term of office, there never was any question of armed bands being maintained in the Haram, there was no doubt that a score or more of dangerous and undesirable individuals were staying in the Haram because they thought that there they were safe from arrest. The greater part of these undesirables were in receipt of salaries from Government or Awqaf funds.

8. Sheikh Hassan Abu Su'ud.

The most powerful and most dangerous of these was Sheikh Hassan Abu Su'ud, an expert at playing upon the minds of Moslem fallahin and Haj Amin's most valuable agent.

Under the curious document called the Supreme Moslem Council regulation of 1921, the Sharia Courts (section 8(2)) are forbidden to take any action effecting Awqaf of the nature of Hikr, Ijaratain and Istibdal, except with the unanimous consent of the Council. By the same regulation, the Supreme Moslem Council can appoint and dismiss

any Sharia or Waqf official, by merely giving notice thereof to the Government with the reasons for dismissal. The function of Sheikh Hassan Abu Su'ud as Chief Inspector was to comment upon the judgments of the Sharia Courts before they were allowed to be executed by the S.M.C. This dependence of the Sharia Courts is in curious contrast to ~~the~~ realistic independence of the ordinary Courts of justice. Sh. Hassan was therefore in a remarkable position, quite peculiar and (I confidently declare) unprecedented in any modern Moslem state. Added to this, he was one of those men of whom all authorities and all intelligence officers agreed that he was a dangerous agitator.

I was requested by the Government to endeavour to persuade the S.M.C. to dismiss Sh. Hassan and others like him. At the same time it was strictly and repeatedly enjoined upon me that I was not to do or say anything which might be likely to interfere with the good relations existing between the S.M.C. and the Government. Actually, to do them justice, three members of the Council feared and distrusted Sheikh Hassan and were anxious that he should go, and were prepared to ask him to resign. But Amin Tamimi used the occasion, before departing to Egypt, to get political Kudos by upbraiding the other three members in public for their co-operation with the Government. The Government therefore had to take steps to give itself emergency powers to dismiss Sharia officials who are paid from Government funds, and Sh. Hassan was the first to lose his post and his pay under the new Regulation. However, he stayed on with the other bad characters in the Haram and it was necessary to take measures to prevent the Haram being used as a lair for such undesirables.

9. Bad Characters in the Haram.

The three remaining members of the S.M.C. were now receiving threatening letters (which were not, by the way, also sent to Amin Tamimi), and it was therefore possible to persuade them that the Haram should be purged of the "ishqia", and to obtain their co-operation to the extent of calling up the Sheikhs of the Haram and asking them if the Haram was a holy place, or merely a hostel for any manner of man. The Sheikhs - and in particular - Sheikh Arif al Hussein - appreciated the dangerous possibilities of the situation - and undertook to use their influence to ensure that the Haram was used only as a holy place. In the meantime the Police authorities with Sheikh Arif's help, had contrived to increase the Police post in the Haram from two to eight constables, and it was proposed to replace some of the door-keepers by men more trusted by the Police. The bad men attempted to murder Sheikh Arif in the Suq near the Haram, and wounded him severely. It so happened that this outrage occurred in the morning of the day upon which the dismissal of Amin al Tamimi, and several Qadis and other Sharia officials were announced, and so the dismissals appeared to be Government's very prompt reply. However, the situation was growing too unpleasant for at least one ^{member -} ~~month~~ (Sheikh Abdurrahman al Taji) of the S.M.C. who had been pressing for some time for the offices of the S.M.C. to be moved out of the Old City. I warmly sympathised with him in this desire. Since the St. Stephen city gate had been closed, the members of the S.M.C. had had to walk through the old city, where already several assassinations had occurred, from the Damascus Gate to the Haram. Unfortunately it has not been too easy to find a suitable building to house the S.M.C. and Awqaf administration.

I have a suspicion
that Rashed
Minidubibi +
Haj Amin was
responsible for
this situation.
See p. 15

Then difficulty
will shortly
be overcome.

10. Dismissals.

On the 21st March the Chief Secretary gave the Commission a list of names of persons working in the Awqaf administration who had been, or were, indulging in activities prejudicial to good order, and requested that these persons should be dismissed. This list contained the names of the Awqaf advocate Subhi Bey al Khadra who though detained at Acre had ~~been~~ received pay until the end of February when the Commission ^{wrote} ~~went~~ to the S.M.C. and instructed them not to pay any official who had been arrested, or was otherwise prevented by the Government from carrying out his duties.

This was the result
of a meeting by the
A.C. that officials
must be paid
until actually
dismissed.

It also included Jamal al Qasim the Nablus clerk and Hassan Hassounah who had been acting Mamur Awqaf at Jerusalem, and two preachers, Sheikh Ahmad al 'Uri and Sheikh Yasin al Bakri who were already at Acre. The remaining fifteen on the list were mostly door-keepers and watchmen. Of these the following were dismissed (in addition to those named above)

Fuad al Khatib (at Acre) Head door-keeper.

Mohammed Bernawi (Mufti's bodyguard)

Tawfiq Abu Sharif

Sabih Husain Takruri

Abdurrahman al Medah (at Acre)

Haj Mohammad Bahra ~~Khatib~~ al Takruri

Fakhri al Khatib (not a regular employee)

Of the above, all but Tawfiq and the two Takruris were either in arrest or had absconded.

11. Watchmen.

The S.M.C. asked the Commission to reconsider the question of the following :-

1. Khairallah al Afghani.
2. Haj Muhammad al Mughrabi.
3. Haj Habib al Mughrabi.
4. Abdul Qadir al Afghani.
5. Abdul Qadir Isa.
6. Haj Sabih Takruri
7. Haj Muhammad Usman Takruri
8. Abdin Arnaut. (Haram plumber)

1 This question has been under discussion with the Police, as also the question of their replacement by more reliable doorkeepers. The Police have given the Commission a list of the new men they recommend to be employed, but are still insisting on the dismissal or the removal of Nos. 2, 3, 4, 6, 7 and 8, but are prepared to agree that Nos. 1 (Khairallah) 5 (Abdul Qadir Isa) should retain their posts on the gates.

The Mudir 'Am and the Mamur should be informed of this, so that the new ones may be employed, and Nos. 2, 3, 4, 6, 7 and 8 dismissed.

12. Dismissals done by the S.M.C.

The S.M.C. had also at my suggestion dismissed from their posts in the Awqaf :-

Safwat Younis Hussaini - Awqaf Lands officer.

Ali Rushdi }
Sabri Abdin } propaganda directors.

Muza 'Izrawi - preacher (as well as clerk in
Sharia Court)

Arif Jauni }
Jaudeh Danaf } Mosque servants.

Ali Rushdi and Sabri Abdin held propaganda posts invented by Haj Amin. Safwat Hussaini held a post called "Director of Lands". Musa Izrawi, besides his Sharia post, was "preacher to the jails". Arif Jauni and Jaudeh Danaf were Mosque servants, who were suspected of complicity in the assassination of the two Black Watch soldiers. Of the above, Arif Jauni, Ali Rushdi had fled from the country but Sabri Abdin and Musa 'Israwi were among the bad characters hiding in the Haram.

13. "Clearing-up" of the Haram.

By the end of March the pressure put upon the undesirables by the Haram Sheikhs at the instance of the S.M.C., together with the fact that it may become increasingly obvious that their "sanctity" could not much longer be respected by the Police, had its effect, and the whole collection, including Sheikh Hassan Abu Su'ud and Taher Abdin, made their disappearance. Although the fear of Police action undoubtedly was the prime incitement to their flight, the persuasion applied to them by the S.M.C. also played a very large part.

14. Preachers.

The following preachers are considered by the Police to be harmful persons and should be dismissed. In my opinion they were merely employed by Haj Amin for propaganda purposes:

Husain Hassounch	}	Jaffa
Kamil al Sawafiri		
Said Hamdan	}	Gaza
Fahmi al Agha		

Salih al Khatib - Jama'in - Nablus.

Sheikh Rashad al Halawani - Haifa

Said al Yaqubi - Acre.

Nasir al Khalidi - Tiberias.

Hassan al Khatib - Acre.

The S.M.C. had previously given me a list, for enquiry from the C.I.D., of the preachers whom they suspected which included a far greater number of names than the above, so that I do not expect there will be any difficulty in getting rid of them.

15. Resignation of S.M.C. member.

Abdurrahman al Taji resigned from the S.M.C. on the 6th April, 1938. Although he had been the object of threatening letters, and had for some time past been known to be preparing a retreat in Egypt, the wording of his resignation suggested that his fear of assassination or unpopularity was not the only reason. It seems pretty certain that the leader of the party to which he belongs, willed the resignation, apparently in the hope that the others would follow suit, and a new Majlis, more amenable to his requirements, would be created. To replace Sh. Abdurrahman al Taji, I suggest Sh. Yusuf al Tahbub, the Mamur of Hebron.

16. Financial.

The procedure for control of the expenditure described by Mr. Kirkbride in his handing-over report has been carried on by me. I resolutely refused to allow any drainage from the reserve at Barclays Bank into which account are paid all the sums paid to the Awqaf by the Government. As a result we have a credit there of over £20,000. It is true that a good deal of this must represent refundable

The S.M.C. had previously given me a list, for enquiry from the C.I.D., of the preachers whom they suspected which included a far greater number of names than the above, so that I do not expect there will be any difficulty in getting rid of them.

deposits, but it is at any rate a comfort to feel that so substantial a sum is in safe hands. I have deliberately used the word "comfort" since I am not otherwise comfortable about the financial position. First of all, the system of supplying the Mamurs in the out-stations with cash by juggling credit backwards and forwards between the various branches of the Arab and Arab Agricultural Banks is complicated, obscure and bewildering.

Secondly, the Accounts branch owing partly to the perplexities of the system, and partly to the vagaries of the Chief Accountant, Fayadh al Khadra, whose guilty conscience was repeatedly driving him to hide in dusty crevices of the Haram, and partly also to the dislocation of the staff - the accounts are not in presentable condition. I have so far failed to ^{extract} ~~extract~~ from them any exact figure as to the real balance in hand on January 1st the beginning of their financial year.

(1) I suggest, as soon as possible after the new Director-general takes over, and Fayadh al Khadra can concentrate upon accounts, that Russell and Company are engaged to carry out an audit.

In their letter at folio (19) of Secretariat file K/35/37 the S.M.C. stated that the cash reserve at the end of the year 1936, exclusive of liabilities was over LE 13,000, but so far as I have been able to ascertain the balance exclusive of liabilities at the end of 1937 was only a tenth of this sum. If the figure given for 1936 is a correct one, which at least is open to doubt, it is curious that so little is left at the end of 1937.

In the memorandum which appears at page 98 of Volume I of those prepared by the Palestine Government for the use of the Royal Commission, paragraph 30 it is stated

I do not mention this because it is not to be published.

There is nothing wrong with the accounts but they are in a state of confusion - for the reason given. They will be settled by the end of the month (May).

(1) He is doing so. This is the case in the 1936-37.

It is not possible to say whether the 1937 figure is correct or not. It is only a guess.

that the S.M.C. agreed to create a reserve fund for repairs to Mosques by contributing LP 7000 a year until the figure set aside reached LP 44,000, whereafter the contribution would be LP 3,500.

The actual agreement, which I have studied, is not so clear. In fact, it is doubtful whether it was meant that the fund could be broken into, or not.

In letter K/35/37 of 31st August 1937 (folio (18)) the Government appears to admit that the fund could be broken into, since in paragraph 3 of that letter appears the phrase "until the total amount expended from the fund on the stipulated repairs had reached a total of LP 43,690".

Whatever was meant, the fact is that there is no reserve, and now the Aqsa Mosque is crying for many thousands of pounds so that it can be re-built.

Another feature of bad administration which has to be guarded against is that of making the General Awqaf responsible for the financial failures of private Awqaf. A very bad instance of this is the Miralai Zeki Waqf. Miralai Zeki was in Turkish days a Chief Police or a Chief Warder and last year he came to some arrangement with Haj Amin by which he dedicated a sum of LP 14,000 to the Awqaf, naming Haj Amin as the Mutawalli, a condition being that the dedicator should receive LP 500 a year. Haj Amin instructed the Awqaf administration to enter into contracts in its own name with builders and others who would set up blocks of flats - (one being that at Sheikh Jarrah, opposite the little turning to St. George's Cathedral). These flats would then be leased, and from the profits the dedicator would receive his subsistence allowance. Unfortunately part of the sum dedicated consists of compialas payable by bankrupt Jews, and now the General Awqaf, having ^{signed} ~~argued~~ the contracts, is forced to satisfy the clamouring contractors

A large & complicated question which will have to be looked into

This has been a bad situation. The new directors are making it up.

and the wretched dedicator, who is wailing for money to pay his hospital bills in Paris.

Nearly all the family Awqaf (Dhurri) are inefficiently administered and the beneficiaries are clamouring for a statement of account. In the case of the 'Aleyi Waqf, the Qadi had appointed the Awqaf administration as Mutawalli because the three beneficiaries were quarrelling and Haj Amin, without reference to the Council, had appointed one of the three disputants to be the agent of the new Mutawalli! If Government allows to thrive in the name of encouraging self-government, this source of obtaining power, it is not surprising that Haj Amin was tempted to use the Awqaf as a political machine.

17. The Budget.

Draft estimates were prepared by the Awqaf Committees, and were, after various modifications, passed by the S.M.C. to the Commission for approval. The Commission have examined the estimates and ~~the~~ ^{are} have expressed general approval, provided that

- (1) Excepting one or two special cases, no salaries were increased or increments paid;
- (2) Special allotment was made for the anti-malarial expenses at Nebi Rubin (see *special file*)
- (3) The extra watchmen were dispensed with.
- (4) The expenses of the preachers should be examined. The Commission would have to be satisfied that if the S.M.C. wished to retain any of them, that his preaching was of good effect, and was not aimed at the Government or was not prejudicial to public security.

- (5) Sufficient provision was made for the free distribution of soup for the poor at Hebron.

The S.M.C. were asked to make suggestions for the increase of the "Special Repairs" estimate in order to provide for the Aqsa Mosque repairs.

The present position is that a reply is awaited from the S.M.C.

18. Anti Malarial measures at Nebi Rubin and Birket Ramadan.

Government demands from the S.M.C. a high standard of care and vigilance and a substantial financial contribution in the anti-malarial measures upon the two large Waqf estates at Nebi Rubin and Birket Ramadan. Even after Amin Tamimi's departure, the remaining members have been difficult to persuade of their liability in this respect, and the Commission had therefore to request a direct order from the Government with regard to the Nebi Rubin contribution. At Birket Ramadan the S.M.C. have appointed two watchmen and instructed them to see that the wishes of the Health authorities are carried out, but they have not yet found a tenant who would agree to carry out the conditions laid down by the Health Department. It seems to me that either Government will have to be prepared to interfere ~~more~~ directly in these two places, or else be willing to relax the stringency of the anti-malarial measures. The Anti-Malaria Ordinance is an unsatisfactory piece of legislation since it does not define the economic limit of the burdens which may be placed upon the landowner, and secondly does not provide Government with sufficient means of enforcing the measures upon juristic bodies who own land.
~~and land.~~

19. Secretariat file J/52/36.

The accommodation of probationers in the Moslem orphanage has several times been raised by Mr. Chinn, but the Orphanage is known to be in such corruption and mismanagement that it has been impossible to do anything. However the Director of Education has now agreed to lend the services of a capable headmaster, and if Government agrees to this, some progress may be hoped for.

20. Secretariat file B/25/35.

I It is obviously desirable and perhaps indispensable that the Awqaf administration should maintain a special department for the conservation of the mosques, shrines, and other Moslem antiquities in this country. I have several times discussed this with the S.M.C. and they appreciate the necessity of such a department and view with favour a suggestion that a young Muslim should be specially educated and trained, under someone for instance as Mr. Harvey, for the work. Naturally such a scheme needs a settled budget and a calm time for consideration, and the lack of these two requisites has prevented the project getting any further.

21. The Aqsa Mosque.

I I had at first considerable difficulty in persuading the S.M.C. to agree to contribute anything towards Mr. Harvey's visit, Amin Tamimi being the chief obstructor. The Commission therefore decided themselves that the Awqaf must contribute, and later, when the state of the mosque became really alarming, the S.M.C. (other than Amin Tamimi) changed their attitude. Correspondence

will be found in the Secretariat & Commission's files, and in the file of Mr. Harvey's report.

Notwithstanding their decision to share in the cost of Mr. Harvey's visit, the S.M.O. also invited the Egyptian Department of Antiquities to send engineers. These were still here during the first two days of Mr. Harvey's visit and supervised the erection of wooden shoring. Mr. Harvey's report recommends a much more "raking" shore, and since his departure the Egyptian Engineers have sent other recommendations for building up the arches of the nave. With two doctors prescribing their own remedies, a patient's recovery depends upon whether he has the power and judgment to take one remedy and reject the other. The Egyptian engineers were of course sent for because (1) they are Muslims and their arrival would stir favourable propaganda (2) they are probably cheaper than British (3) it was at first uncertain if and when Mr. Harvey could come. I suggest that Mr. Harvey's recommendations should be immediately carried out, and in the meantime the Commission should consider, with the help of the Public Works Department the recommendations of the Egyptians.

22. Kataneh Land Case.

(Commission file AC/21/38). This land case is interesting as showing the way in which the interests of the Awqaf and of common justice were ~~prohibited~~ ^{prostituted} by Haj Amin to political intrigue. The case in the Court is between Ibrahim Hindiye (plaintiff) and the dependants are some villagers of Kataneh. The latter signed a contract to sell land to the former and received part of the price on account. Before the formalities

of clearing up the title and getting the land registered were completed, Haj Amin sent Jamal al Hussaini to inform the villagers that the sale was a disguised transfer to the Jews, and terrorised them ^{into} ~~with~~ initiating formalities for transfer of the land to the Awqaf. The Awqaf officials who fled to Syria took all the papers with them, and now the wretched villagers are being sued by the purchaser for the return of his money.

23. Laying of pipes from Solomon's pools.

Nothing was done to forward this project ^{which} ~~which~~ I first took over, partly owing to Amin Tamimi's obstructiveness, and partly owing to the advent of the wet season, the contractors Maude having tendered for the dry season only. The present position is that the two remaining members, having wasted time in trying to get the contractors to knock a few piastres off their tender, are now in the mood to proceed, and the Commission are awaiting a letter from them. Possibly their memories will have to be jogged. The S.M.C. were however unwilling to give the town of Bethlehem any sort of right to a definite quantity of the water, though they are prepared to supply it as before ex-gratia. The District Commissioner was informed of this.

Lyndman
4/5/38.

(99A)

1. This order may be cited as the Customs (Drawback on Cargo Rice) (Extension) Order, 1938. Citation.

2. In this order the term "principal order" shall mean the Customs (Drawback) Order, 1937, as amended by the Customs (Drawback) (Amendment) Order, 1937. Interpretation.

3. The amendment set out in paragraph 4 of this order to the schedule to the principal order which has been recommended by the Standing Committee for Commerce and Industry is hereby approved by the High Commissioner. Approval of amendment of schedule to principal order.

4. Paragraph 5 of the schedule to the principal order shall be amended by the substitution of the words "two years" for the words "twelve months" appearing therein. Period of drawback on Cargo Rice extended to 14th April, 1939.

I 5. This order shall be deemed to have come into operation upon the 15th day of April, 1938. Commencement.

By His Excellency's Command,

W. D. BATTERSHILL

Chief Secretary.

16th April, 1938.
(C/423/36)

Supplement to Gazette No. 778 of 28/4/38

ORDER MADE UNDER THE DEFENCE (MOSLEM AWQAF)
REGULATIONS, 1937.

By VIRTUE of the powers vested in him by the Defence (Moslem Awqaf) Regulations, 1937, the High Commissioner has directed that Mr. A.L. KIRKBRIDE, O.B.E., shall resume his duties as a member of the Commission appointed for the control and management of the finances of the Moslem Awqaf in Palestine, with effect from the 23rd April, 1938.

I The High Commissioner has further directed that with effect from the 23rd April, 1938, the Order dated the 22nd December, 1938, published in *Gazette* No. 744 of the 23rd December, 1937, appointing Mr. R.F. JARDINE, C.M.G., O.B.E., to serve on the Commission, shall be cancelled.

By His Excellency's Command,

W. D. BATTERSHILL

Chief Secretary.

23rd April, 1938.
(U/1590/31)

CURFEW ORDER.

IN VIRTUE of the powers vested in me by regulations made under Article IV of the Palestine Orders in Council, 1931 and 1936, I, J.H.L. POLLOCK, Assistant

District Commissioner, Samaria, do hereby order all persons within the area of the lands of the following villages :—

Talluza	} Nablus Sub-District
Asira Esh Shamaliya	

to remain within doors between the hours of 6.30 p.m. and 5 a.m. as from the date of this order and until further notice.

If any person within the said area is or remains out between the hours aforesaid without a permit in writing signed by me, he shall be guilty of an offence against the said regulations and shall be liable on summary conviction before an Assistant District Commissioner or District Officer to imprisonment for a term not exceeding one month or to a fine not exceeding £P.5 or to both such penalties.

Given under my hand this 9th day of April, 1938.

J. H. H. POLLOCK
*Assistant District Commissioner,
Samaria.*

(O/88/37)

PLAYING CARDS EXCISE ORDINANCE, 1938.

RULES MADE BY THE HIGH COMMISSIONER UNDER SECTION 11.

- | | |
|--|---|
| No. 13 of 1938. | IN EXERCISE of the powers vested in him by section 11 of the Playing Cards Excise Ordinance, 1938, the High Commissioner has made the following rules :— |
| Citation. | 1. These rules may be cited as the Playing Cards Excise Rules, 1938. |
| Stock book and return. | 2.—(1) Every person licensed to manufacture playing cards under the Playing Cards Excise Ordinance, 1938, shall keep a stock book for playing cards manufactured by him and shall render a monthly stock return of playing cards, in the respective forms set out in the Schedule to these rules.

(2) The monthly stock return of playing cards shall be rendered on the last working day of each month to the Officer of Customs and Excise in charge of the factory. |
| Packing and delivery of playing cards. | 3.—(1) All packs of cards packed in containers during each day shall be removed to a compartment approved by the Director in the factory, and the manufacturer shall enter full particulars |

CF/450/37.

6 January, 1938.

SECRET.

95

Sir,

I am directed by the High Commissioner to refer to your letter of the 4th January, 1938 recommending the discharge of four Mamureen Awqaf for the reasons given in your letter and to inform you that His Excellency, who considers that firm action should be taken, approves your proposal.

I am,

Sir,

Your obedient servant,

for ACTING CHIEF SECRETARY.

The Chairman,
Awqaf Commission,
c/o The Law Courts,
Jerusalem.

J. Raw
CB

Aw 12/4.

Jerusalem, 28 DEC. 1937

2. December, 1937.

Gentlemen,

I have the honour to refer to my letter of the 14th December, 1937 and to the meeting which the Commission had with the Supreme Moslem Council on the 14th December, 1937.

The suggestions made by the Council at that meeting have been carefully considered by the Commission, and I have now revised the third paragraph of the above quoted letter so as to meet, so far as the Commission find themselves able, the desires of the Council. It will be observed that the Commission have substantially adopted the suggestions of the Council regarding the appointment and dismissal of officials and the section concerning legal proceedings has been modified so as to meet the Council's suggestions regarding land suits.

Paragraphs 3 and 4 will therefore be replaced by the following text:-

"3. Estimates:

The final approval of the Estimates shall rest with the Commission; but, as in the past, the General Waqf Committee shall draw up the draft Estimates and pass them to the Supreme Moslem Council for scrutiny and amendment, if necessary. The Estimates will then be referred to the Commission for final approval. The Commission will retain the right to delete or modify any item already included or to insert any new item in the draft Estimates. Before making such changes, the Commission will discuss them, as agreed on the 14th December, 1937, with the Council.

THE SUPREME MOSLEM COUNCIL,
JERUSALEM.

Supplementary expenditure not in Approved Estimates:

No supplementary provision in excess of the expenditure contained in the approved Estimates shall be made without the authority of the Commission.

Financial Allocations:

Financial Allocations in respect of items of expenditure contained in the approved Estimates will be first approved by the Supreme Moslem Council. They will then be signed by the senior available member of the Supreme Moslem Council and countersigned, if approved, by the Commission's representative. In the event of disallowance by the Commission's representative, or in any case of doubt, the matter will be referred to the Commission for their decision and the advice of the members of the Supreme Moslem Council will be sought.

The Commission's representative will scrutinize all existing Financial Allocations and the Commission will reserve the right to withdraw or reduce the unexpended balance of any existing Financial Allocations should such a course seem advisable to the Commission.

Re-allocations between votes:

Re-allocations between approved expenditure votes may be sanctioned by the Supreme Moslem Council in accordance with existing financial procedure; but no vote may be increased by more than 10 10 without the prior sanction of the Commission or their representative.

Salaries:

All vouchers covering the payment of salaries must be approved by the Commission or their representative before payment. Payments must accord with the appropriate authorities governing the appointments, the approved rates of pay and increments.

Responsibilities and Duties of Awqaf Administration
and its Officers:

The existing Awqaf Administration and its officers shall continue to demand and to receive on behalf of the Commission all dues and revenues accruing to the Moslem Awqaf; and the Awqaf Administration and its officers will be held personally and pecuniarily responsible for the due performance of the duties of their offices, for the proper collection and custody of all Awqaf money receivable by them, and for any inaccuracies in the accounts rendered by them or under their authority. They will also be held personally and pecuniarily responsible for the proper disbursement of and accounting for all cash, funds and securities in their charge. They will observe the existing "Financial Instructions and Procedure" relating to Moslem Awqaf, and any further instructions which may be issued by the Commission from time to time.

They will also be responsible for the safe custody and production on demand of all records in their charge.

Payments by Cheque:

Where a Bank account is kept all individual payments in excess of £5 shall be made by cheque, except in the case of salaries and wages for distribution in respect of which one cheque for the total amount shown in the salary voucher or wages paysheet is drawn in the name of the officer responsible for the distribution of the money, the payments due thereon may be made in cash.

Cheques on and Withdrawals or Transfers from Bank Accounts:

Payments by cheque and the drawing of cheques shall continue to be governed by the existing "Financial Instructions and Procedure"; but no transactions through

Awqaf Bank accounts involving the withdrawal of sums in excess of £ 20 (Twenty Pounds) in any one case shall be valid unless the cheque or other document authorising the withdrawal is countersigned by a member of the Commission or by a person authorised by the Commission to countersign such instruments on their behalf. In the case of withdrawals from the Supreme Moslem Council Bank Accounts at Jerusalem, no cheques or other instruments shall be valid unless countersigned by the senior available member of the Supreme Moslem Council and by a member of the Commission.

Contracts:

All new contracts for works or supplies amounting to £ 100 or more must be countersigned by a member of the Commission. All Leases which come before the Supreme Moslem Council are to be submitted to the Commission for examination.

This of course does not mean that the Commission may not desire to examine some particular lease or contract which does not fall under the above description.

Appointment and Discharge of Awqaf Officials and Disciplinary Procedure relating thereto.

The appointment and dismissal of Mamoureen Awqaf and other Awqaf Officers of equivalent or higher status shall be dealt with by the Supreme Moslem Council, provided that the Awqaf Commission shall have the right of veto (the right to approve or disapprove).

The Awqaf Commission shall be entitled to require the Supreme Moslem Council to consider the filling of any of the posts mentioned above or to institute disciplinary proceedings against any person holding or acting in such posts.

The appointment, punishment and dismissal of all other employees shall be dealt with by the Supreme Moslem Council on behalf of the Commission until further notice, but the prior approval of the Commission's Representative must be obtained before any new appointment is made with the exception of religious officers and others whose monthly salary commence at ^{Rs 100/1500} 5.

The Commission reserve the right to demand that enquiry be made into the conduct of, and disciplinary or legal proceedings be taken against, any person who is in receipt of a salary from Waqf funds, should the Commission be of the opinion that such person has committed any act which requires such proceedings. A copy of the record of such proceedings shall be at the disposal of the Commission.

Letters of appointment and authorities for increments shall be issued under the authority of the Commission.

Subject to the foregoing instructions and to the reservation by the Commission of the right to exercise at any time all or any of the powers vested in them by the Defence Regulations (Moslem Awqaf) 1937, the Commission hereby direct the Supreme Moslem Council and the Awqaf Administration to administer and supervise until further notice all Moslem Awqaf affairs in Palestine, in accordance with the procedure followed in the past, in the name of and under the general supervision of the Commission.

The Commission further direct the Supreme Moslem Council and the Awqaf Administration to bring legal proceedings connected with the financial interests of the Awqaf, in the name of the Commission, and to enter on behalf of the Commission into any such proceedings

brought against the Awqaf; legal proceedings connected with other matters, such as a title to the ownership of immovable property, shall be entered into by the Awqaf Administration; provided that in all cases no legal proceedings shall be entered into without prior reference to the Commission.

4. I shall be glad if you will confirm that you are prepared to continue to co-operate on these lines and if so, if you would be so good as to communicate these arrangements to the Acting Director General of Awqaf."

A spare copy of this letter is enclosed.

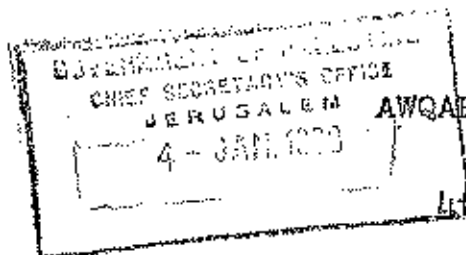
I have the honour to be,

Gentlemen,

Your obedient servant,

Chairman of the Commission
appointed under the Defence
(Moslem Awqaf) Regulations 1937.

SECRET



14th January, 1938.

Chief Secretary.

92
As Mr. Kirkbride pointed out in his handing-over report dated the 16th December, 1937, (a copy of which was placed on the Secretariat files) one of the most urgent reforms in the Awqaf Administration is the early appointment of a better type of Mamur Awqaf at each of the six centres (Jerusalem, Jaffa, Gaza, Hebron, Nablus, Acre). At the moment there are no Mamurs at their posts. Two, those of Jerusalem and Jaffa, who were absent without leave, were discharged by the Supreme Moslem Council at the pressure of the Commission. Of the remaining four, one is detained at Acre, two are absent in Syria whence they send periodical "sick" reports, and the fourth is absent without leave.

Mr. Kirkbride has recommended, and the Commission have resolved that all of these officers are undesirable and should be discharged. The Law Officers advise the Commission that as these officers are responsible for the handling of Awqaf funds, their replacement can be legally insisted upon.

The Commission propose therefore to acquaint the Supreme Moslem Council of their resolution, and to desire them to discharge these officers. If the Supreme Moslem Council hesitate to act, and unless they satisfy the Commission that in some particular case the present officials ought to be retained, the Commission propose to take the action themselves.

But as agreed in Mr. Jardine's conversation with the Chief Secretary yesterday (3.1.38) the Commission would first like to know if His Excellency has any

2.

political objection to the proposed course of
action.

h. j. ardine

for
CHAIRMAN
AWQAF COMMISSION.

Original of U/2344/34

ORDER MADE UNDER THE DEFENCE (MOSLEM AWQAF)
REGULATIONS, 1937.

93a

SF/USO/37

By virtue of the powers vested in him by the Defence (Moslem Awqaf) Regulations, 1937, the High Commissioner has appointed Mr. R.F.Jardine, C.M.G., O.B.E., to be a member of the Commission appointed for the control and management of the finances of Moslem Awqaf in Palestine, during the absence on leave of Mr. A.L.Kirkbride, O.B.E., with effect from the 17th December, 1937.

By His Excellency's Command,

(Sgd.) W.D. BATTERSHILL.
CHIEF SECRETARY.

22nd December, 1937.
U/2344/34).

Jerusalem.

16th December, 1937.

Sir,

Introduction.

In view of my impending departure on vacation leave I have the honour to submit the following report on the work of our Commission and the work carried out by me on behalf of the Commission.

The making of
Defence
Regulations,
appointment of
the Commission,
and etc.

2. (1) On the 16th October, 1937, the Officer Administering the Government made the Defence (Moslem Awqaf) Regulations, 1937, which were published in Palestine Gazette Extraordinary No. 730 of the 16th October, 1937. The principal provisions of the Regulations were:- that the High Commissioner might by notice in the Gazette appoint a Commission to be composed of a Chairman and two members to control and manage the Moslem Awqaf; that from the date of such notice the Supreme Moslem Sharia Council and the General Awqaf Committee should cease to control, manage or intervene in Awqaf affairs except as the Commission might direct; that as from the date of such notice all funds, cash, securities and deposits appertaining to or deposited on behalf of or vested in the Supreme Moslem Council or the General Awqaf Committee on behalf of Moslem Awqaf should be transferred to and vested in the Commission; that the Commission should have all or any of the powers vested in the Supreme Moslem Sharia Council and the General Waqf Committee by the Supreme Moslem Sharia Council Regulation dated the 20th December, 1921 and the Supreme Moslem Sharia Council Ordinance, 1926, for the purpose of controlling and managing the Moslem Awqaf funds, cash securities and deposits aforesaid. Certain particular

His Honour
Mr Justice Greene,
Chairman, Awqaf Commission.

powers vested in the Commission, in amplification of the foregoing, were set out in the Regulations, and in Regulation 8 provision was made for penalties in certain circumstances. It was also provided that all Awqaf accounts administered by the Commission should be subject to audit by an auditor to be nominated by the High Commissioner.

(11) Simultaneously with the publication of the Regulations Government published Official Communiqué No.18/37 the full text of which was as follows :-

"As a result of the recent murder campaign culminating in the murder of Mr. Andrews of the 26th September, Government has taken a number of steps as announced in Official Communiqué No.16/37 of the 1st October.

One of these steps was the depriving of the Mufti of Jerusalem of the membership of the General Waqf Committee of which he was the Chairman.

It has therefore become necessary to take immediate measures to safeguard the interests of the Moslem Community by ensuring the continuance of Awqaf services. These measures will be of a temporary nature until such time as circumstances are favourable for the establishment of a Moslem Waqf Department or other body to resume control of these awqaf.

In the meantime, it is the intention of Government to take over the duties of the financial control previously exercised by the Supreme Moslem Council or the General Waqf Committee in the matter of the collection of awqaf revenues and the payment of the salaries of awqaf staff and for awqaf services which have in the past been directly dealt with by

the Supreme Moslem Council or the General Waqf Committee or through local Mamours.

It is proposed to administer the Awqaf temporarily by a commission of three members. The Chairman of the Commission will be a Judicial Officer. The names of the Chairman and the two members will be announced in due course.

The Officer Administering the Government desires to emphasize that the Awqaf services will be carried out strictly in accordance with the law and for the benefit of the objects for which they were founded."

(iii) On the 16th October, 1937, after the making of the Regulations but prior to the actual distribution of the Extraordinary Gazette and publication of the Official Communiqué, the Acting Chief Secretary (Mr. Moody) sent for the two available members of the Supreme Moslem Sharia Council, Amin Bey Tawini and Amin Bey Abdel Hadi, and interviewed them in the presence of Your Honour and of myself. I acted as interpreter.

The Acting Chief Secretary informed the two members of the Council of the decision taken by the Officer Administering the Government and explained the position to them in terms similar to those used in Official Communiqué No.18/37. He also informed them that Your Honour had been selected as Chairman of the Commission, that I would be one of the members and that the other member would be a Moslem Arab whose name would be announced on the 18th October, 1937, when the appointment of the Commission would be officially notified in the Gazette. The Acting Chief Secretary told Amin Bey

Tamimi and Amin Bey Abdel Hadi that the Officer Administering the Government was confident that they would co-operate with the Commission and that they would advise the officials of the Awqaf administration to do likewise.

The reply of the two members of the Council was that in the past the Supreme Moslem Sharia Council had always been willing to allow Government officials to have access to the Awqaf accounts, albeit unofficially. They had accepted Government's advice in matters of accounting procedure, the framing of Awqaf Estimates, the introduction of a code of financial regulations based on those of Government, and various matters of a similar nature. They explained that apart from the fact that any legislation enacted by Government (by which they meant the Defence Regulations) must be complied with, they, personally, would be willing to co-operate with Government in any measure designed to ensure the proper administration of Awqaf funds if, after examining the new scheme, they considered that it would in fact be possible for them to co-operate. They emphasised the fact that they were not in a position to speak on behalf of the other members of the Supreme Moslem Sharia Council, Abdel Rahman Bey Taji and Sheikh Muhieddin Abdel Shafi who were not in Jerusalem, and they asked for an opportunity to consult with those two gentlemen. It was agreed that I should visit the Supreme Moslem Sharia Council on the 18th October, 1937, which was the date on which it was proposed to Gazette the appointment of the Commission, with a view to arriving at a "modus vivendi".

(1v) The same afternoon (16th October) the Acting Chief Secretary addressed a letter to each member of the

Supreme Moslem Sharia Council, including the two who were not present at the interview, confirming the conversation which had taken place that morning and enclosing copies of the Defence (Moslem Awqaf) Regulations, 1937 and of Communique No.18/37. The letters were delivered by me personally that evening, those destined for Abdel Rahman Bey and Sheikh Muhieddin being delivered to Amin Bey Tammimi.

(v) On the 18th October, 1937, the appointment of the Commission was notified in Gazette No.731. The notice read as follows :-

"In accordance with the provisions of the Defence (Moslem Awqaf) Regulations, 1937, the Officer Administering the Government hereby appoints a Commission to be composed of the undermentioned officers for the control and management of the finances of the Moslem Awqaf in Palestine.

Chairman: H.H. Mr. Justice Greene,
Palestine Judge.

Members: { Sheikh Kussam ed Din Eff. Jarallah.
{ Mr. A.L. Kirkbride, O.B.E. "

(vi) I have gone into considerable detail in this paragraph as the facts set out above have an important bearing on the subsequent policy and activities of the Commission as a whole and myself in particular; and on the attitude of the Supreme Moslem Sharia Council. The principal points which emerge are:- (a) that while the Council and the General Waqf Committee were divested of all their powers in relation to Awqaf, it was provided that the Commission might direct that those bodies should participate in the control and management of Awqaf;

(b) in so far as the Commission's functions were concerned the emphasis was on the "control and management of the finances of the Moslem Awqaf"; and (c) that the accepted policy was to endeavour to obtain the co-operation of the Supreme Moslem Sharia Council and to avoid a break down of the existing Awqaf Department and its district offices.

Commencement
of work.

3. On the morning of the 18th October, 1937, I visited the Supreme Moslem Sharia Council at their offices in the Old City of Jerusalem and I was courteously received by the four members of the Council, the two absentees having come to Jerusalem for the purpose of attending the meeting.

Amin Bey Tamimi opened the discussion by saying that having read the new Regulations he had found that the action taken by Government appeared to be much more drastic than he had expected when he saw the Acting Chief Secretary on the 16th October, and that the Regulations deprived the Supreme Moslem Sharia Council of every vestige of authority in Awqaf affairs. Speaking for the Council as a whole, Amin Bey Tamimi said that if it was the intention of Government to destroy the Supreme Moslem Council and take everything completely out of their hands, the position of the Council would be impossible as regards both public opinion and their own self respect, and they would have no alternative to resigning from office, much as they would regret having to take such a step. He pointed out that while the Regulations of the 16th October divested the Supreme Moslem Council and the General Awqaf Committee of all their powers, Communiqué No. 18/37 of the same date stated that it was Government's intention to establish a Commission as a temporary measure until circumstances were favourable to the setting

up of a Moslem Awqaf Department or other body to resume control of the Awqaf and as they understood the position Government's primary intention appeared to be to establish control over the Awqaf funds and finances. In these circumstances the Council felt that it would be contrary to the interests of both Government and the Moslem Awqaf if there were a general upheaval and destruction of the existing machinery which consisted of the Supreme Moslem Sharia Council, the General Awqaf Committee, Local Committees and the Awqaf Department with its offices in various centres. The Council were willing to co-operate with the Commission in the interests of the Moslem Awqaf if the Commission and/or Government were prepared to make it possible for them to do so by giving the Council a reasonable share of authority and responsibility without, of course, depriving the Commission of the power of control or the means of exercising that control. Without such an arrangement the Council would in any case be powerless to assist the Commission as they would have no authority over the officials of the Awqaf Department and they would have no legal status vis à vis the debtors to the Awqaf, Awqaf Mutawallis, or in matters calling for legal proceedings before the Courts such as land cases and the like.

The Council pointed out that the necessary administrative machinery was already in existence and that the financial system had been framed in collaboration with a Treasury officer and provided the means of adequate financial control. If given a fair chance this machinery would continue to run smoothly with the co-operation of the Supreme Moslem Sharia Council and would ensure that there would be no break down in Awqaf services with all its attendant political repercussions. They attached special

importance to the Council being left some real authority in the matter of appointing and dismissing Awqaf officials and they suggested that if the Commission desired to retain control over the more senior posts it should be left to the Council to deal with subordinates. In conclusion they suggested that it would be advantageous if the Commission were to publish an order or notice under Regulation 3 of the Defence (Moslem Awqaf) Regulations, 1937, stating clearly what powers were vested in the Supreme Moslem Sharia Council etc. so that they, the Courts and the public would be in no doubt as to the legal position and the work could proceed smoothly.

In reply to these statements by the Council I said that while it was not possible for me to decide these important questions of principle without reference to the Commission and to Government, I was in a position to say that as already stated by the Acting Chief Secretary it was not Government's desire to abolish the Supreme Moslem Sharia Council or the existing Awqaf administration but that, on the contrary, it was Government's wish that the Council should co-operate with the Commission and that the Awqaf administration should continue to function under the control of the Commission. I would also be prepared to discuss, without prejudice, the ultimate arrangements to be made and then refer the proposals to the Commission and Government, but could not say how long it would take to reach a final decision.

We agreed that in the meantime the Supreme Moslem Sharia Council and the Awqaf administration should continue to ensure the maintenance of essential services in close liaison with me; subject to certain measures of financial control which they agreed to and which are referred to in a subsequent section of this report;

and to any other measures of control which the Commission might find it necessary to impose in the light of future developments.

The Chief Accountant, who was acting as Director General of Awqaf, was then introduced to me and I accompanied him to his office on another floor of the building where we proceeded to deal with the practical side of the work.

Steps taken to give effect to the immediately preceding paragraph.

4. On the afternoon of the 19th October, 1937, the Commission held its first formal meeting at which I reported the progress made and it was agreed that I should draft proposals to give effect to the arrangements to be made on the lines of the immediately preceding paragraph.

On the 20th October, 1937, a further meeting of the Commission was held and draft proposals agreed upon which were handed by me to the Acting Chief Secretary on the 21st October.

After a good deal of discussion and modification the proposals were referred to the Secretary of State for approval. The Commission were informed of the approval of the modified proposals on the 26th November, 1937, and after the usual routine of drafting, approval and translation, a letter was addressed to the Supreme Moslem Sharia Council by the Commission on the 4th December, 1937, informing them of the arrangements which the Commission proposed to make for the participation of the Council and the General Awqaf Committee in the control and management of Moslem Awqaf. The letter was delivered by hand on the 4th December at the houses of Amin Bey Tamimi and Amin Bey Abdel Hadi, and a copy in Arabic was delivered the same

day to the Arab member of the Commission.

It would make this report too voluminous if I were to reproduce the text of the original and modified approved proposals. These are recorded in their various stages in C.S.O. file GP/450/37 and in my file GP/Awqaf/4 which I am handing over to Mr. Jardine.

The considerable period which elapsed before these proposals were finally approved was somewhat embarrassing to me and the Supreme Moslem Sharia Council owing to the uncertainty as to the future. I considered it expedient not to risk precipitating a crisis by moving too suddenly in the matter of dismissing and replacing certain officers and, with your consent, my aim was to ensure that so long as the necessary control over financial affairs could be maintained, controversial questions should, so far as possible, be avoided until the modus vivendi with the Supreme Moslem Sharia Council had been decided upon. On the other hand, the delay has not been without its advantages as it has created an atmosphere of mutual confidence between the Commission and the Council as the result of its having been possible for the two parties to collaborate in spite of the absence of a clear definition of their respective functions. I have no reason to suppose that the Supreme Moslem Sharia Council and the Awqaf administration have not played the game during this difficult period, at least in so far as the administration of Awqaf is concerned.

Organisation
of the Awqaf
in Palestine
when Commis-
sion took
over.

5. (1) The duties and responsibilities of the Supreme Moslem Sharia Council, the General Awqaf Committee and Local Awqaf Committees, as well as the constitution of these bodies, are laid down in the Supreme Moslem Council Regulations dated the 20th day of December, 1921.

A copy of these Regulations will be found in my file
CF/Awqaf/4.

(ii) Owing to the removal from office of the President of the Council, the Council consisted of four members only when the Commission took over, viz: Amin Bey Tamimi, Amin Bey Abdel Hadi, Abdel Rahman Bey Taji, Sheikh Muhieddin Abdel Shafi. The administration of the various "Awqaf" is governed by the "Moslem Sharia" and by the conditions attaching to the various "Waqfia"; certain matters fall within the sole jurisdiction of the Sharia Courts whose decision is final and binding. This is, however, an intricate question which could only be adequately dealt with in a report compiled by an authority on Moslem religious law (Sharia) and I believe there are many questions upon which the Moslem religious authorities in the various Moslem countries hold divergent views and which have never been satisfactorily settled.

(iii) In administering the Moslem Awqaf the Supreme Moslem Sharia Council worked through the Department of Awqaf organised on the following lines:

(a) Head Office.

The head office was at Jerusalem and the administration was conducted by a Director General of Awqaf. When the Commission took over the Director General (Issat Darwaza) was in Damascus and has since been prohibited from returning to Palestine. The Commission subsequently decided to terminate that gentleman's appointment on 30.11.37 on the grounds that as he could not return to Palestine, he could not carry out his duties. At the date of the Commission's appointment the Chief Accountant was the Acting Director General.

(b) Districts.

Under this Head Office there were six "District offices" at Jerusalem, Hebron, Gaza, Jaffa, Acre and Haifa. Each of these offices was controlled by a "Mamur Awqaf" who was responsible for the administration and supervision of, and the collection of revenues appertaining to the Awqaf in his district.

(c) Financial Control.

The financial side was controlled by a Chief Accountant (at present also acting as Director General) and the system of accounts and internal control seems to me to be satisfactory. There is a code of financial regulations which is very similar to those of Government.

(d) Bank and Cash Accounts.

Each District Mamur had a bank account with the local branch of the Arab Bank or the Arab Agricultural Bank; the Jerusalem District had accounts with both those banks.

The Main Account of the Head Office at Jerusalem was lodged partly in the Arab Bank, partly with the Arab Agricultural Bank and there was a Cash reserve in the Awqaf offices of nearly £ 7,000 when the Commission took over.

Where there was a District office there was also a Local Waqf Committee and each Mamur had under his control a number of revenue collectors and there were also gentlemen known as "Wakil el Awqaf" at certain subsidiary centres who were responsible to the Mamur of the district. The "Wakil" kept an eye on the local Awqaf interests and was used as the medium of distribution of salaries to the various persons such as Imams, Khatibs, Muezzins and the

like who were remunerated from Awqaf funds.

(iv) When the Commission took over, this organisation was more or less intact except that a number of officials and employees were either detained at Acre or had fled the country. There were however a sufficient number of officers to permit of the existing organisation being revived with the co-operation of the Supreme Moslem Sharia Council. Had this not been possible there would have been great confusion and it would undoubtedly have taken a long time to produce even a semblance of a new waqf administration. As it was, not more than two or three days elapsed before the machinery was again in motion throughout Palestine, with the sole exception of the Nablus Office where there was only a solitary revenue collector left and the last clerk to be sent to Acre had taken the keys of the safe with him. The Nablus office was re-opened on the 3rd November, 1937.

Summary of
Commission's
policy and
and measures
of control
used
pending a
more or less
permanent
modus vivendi
with the
S.M.C.

6. (1) With the approval of the Officer Administering the Government it has been the policy of the Commission to exercise control with the minimum of disturbance to the existing organisation - including the Supreme Moslem Council - in order to avoid dislocation of work which would have given rise to adverse criticism. So far, this policy appears to have been successful and the Commission therefore submitted detailed proposals to Government defining the extent to which the Supreme Moslem Council and Awqaf Department may carry on with the good work and the degree to which the Commission reserves to itself certain powers. These proposals form the subject of paragraph 4 of this report.

(11) At the moment the Commission is exercising its primary function of financial control on the following lines:

(a) All Cash Books and Bank accounts were closed and re-opened on the 13th October which was the date of the Commission's appointment. The Awqaf Cash and Bank Balances throughout Palestine at that date amounted to LE 26,174.919 ~~sa~~.

(b) Instructions have been issued that no payments exceeding LE 5 may be made in cash. Payments of more than that amount must be made by cheque and, following the procedure already in force when the Commission was appointed, all cheques have to be signed by two officers.

(c) At Jerusalem, all cheques for more than LE 20 must be countersigned by the Commission's representative. In the case of the "reserve a/c" at Barclays no withdrawals may be made without the countersignature of the Commission's representative.

(d) In the districts, where supervision is not so easy, the local officials are only allowed to draw cheques up to LE 10. Cheques for more than that amount must be sent to Jerusalem for countersignature by the Commission's representative.

(e) In (b) above I have referred to the limitation of cash payments to LE 5. As in the case of Government salaries, an exception from this limitation is made in the case of Awqaf salaries. The procedure being that a single cheque is drawn for the total amount shown in the salary voucher or group of vouchers; the cheque is in favour of an officer who is responsible for the distribution of the salaries within a specified period.

All salary vouchers are scrutinised and initialled by the Commission's representative before they are passed for payment.

(v) One of the first steps taken by the Commission was to liquidate the large cash reserve of nearly £ 7,000 held at the Head office of the Awqaf at Jerusalem. This was done by transferring £ 5,000 of this cash balance to the Arab Bank at Jerusalem and the remainder has since been used up for current expenditure.

(vi) In order to create a reserve fund a special account was opened with Barclays Bank which is not used for current expenditure. Operations on that account may only be made against all of the signatures of the Chief Accountant of the Awqaf, a member of the Supreme Moslem Council and the Commission's representative. By the middle of December, 1937, the amount in this reserve account was approximately £ 6,550.

(vii) In addition to these specific measures I have kept in close touch with current work and the Supreme Moslem Sharia Council undertook not to take any action in financial matters without consulting me; in other matters, the Council have endeavoured to postpone all questions of principle until the proposals referred to in paragraph 4 of this report had become effective or some other regular procedure had been laid down.

The financial position.

7. As stated in paragraph 6(ii)(a) the cash and bank balances on the 18th October, 1937, amounted to £ 26,174.919 s. This cannot, however, be taken as representing a surplus balance as there are fairly large sums held on deposit. I have not yet been able to ascertain the true position as the main books had fallen into arrear owing to the dislocation which followed on many Awqaf officials leaving the country or being sent to Acre. The Chief Accountant is doing his best to bring the accounts up-to-date and good progress is being made.

Awqaf officials
and employees;
their dismissal,
replacement and
etc.

8. (i) When the Commission took over there were a number of absentees, including the Director General and most of the Mamour'een Awqaf. The Director General had gone to Syria and shortly afterwards an order was made by the Officer Administering the Government excluding him from Palestine. As regards the others many were under detention at Acre and the rest were either in hiding or had fled from Palestine because they believed, rightly or wrongly, that the police were after them.

One of the first steps taken was to consult the Law Officers as to the legal position regarding the payment of the salaries of internees and absentees. The advice given was that unless and until dismissed, they were entitled to their pay. They were consequently paid up to the end of October, 1937, and the matter was left in abeyance for some time in the hope that the modus vivendi with the Supreme Moslem Council would have been settled before the question again arose at the end of November.

(ii) It soon became apparent, however, that owing to the lengthy discussion with Government the proposals would not be through in time to solve the problem before the end of November and the Commission decided that action should be taken without further avoidable delay in regard to the more important posts held by officers who had left the country or absented themselves without leave, and on the 15th November, 1937, two letters were addressed to the Supreme Moslem Council concerning four such officers.

The first letter dealt with the case of Inzat M. Darwaza, the Director General, in which the Commission conveyed their decision that since he could

not return to Palestine and discharge his duties, Izzat Eff.'s appointment should be terminated with effect from the 30th November, 1937.

In the second letter the Commission conveyed their decision that with the exception of those actually placed in detention by Government, all officers who were absent without leave or who had not returned to duty on the termination of their leave should be considered as having forfeited their appointments. The Commission's decision was that in all such cases the appointments of the officers concerned should be terminated with effect from the 31st October, 1937, or with effect from the end of any leave already granted to them if such leave terminated at a date subsequent to the 31st October, 1937. In order to make sure of some immediate action being taken the following senior officers were mentioned by name as being among those whose appointments should be terminated under this decision :-

Sa'ad ed-Din Eff. Abdel Latif,
Mamur Awqaf, Jaffa.

Mohd. Eff. el Afifi,
Mamur Awqaf, Jerusalem.

Ishak Eff. Darwish,
Principal of the Moslem Orphanage.

On the 13th December, after an oral reminder, the Supreme Moslem Council replied that they had taken action in regard to the four officers specifically named in the two letters and that action regarding the other officers affected by the Commission's letters would be taken as soon as possible. In effect Izzat Eff. Darwaza was paid up to the 30th November, 1937, and the other three were struck off as from the 31st October. It may be mentioned that all four of these officers were

political undesirables. The two Mamurs and the Principal of the Orphanage also had doubtful reputations as regards financial integrity.

(iii) None of the remaining four Mamurs are actually carrying out their duties. Dr. Bushnak, the Mamur of Nablus, is interned at Acre and may be released on or about the 26th December, 1937. He has a most unsavoury reputation and his appointment was an outstanding example of selection for purely political reasons. I think that his services should be dispensed with as soon as possible after his release from Acre.

The Mamour of Acre, Ali Rida Bey el Nabawi, was out of Palestine when the Commission was appointed. The alleged reason for his absence was that he had to undergo a slight operation and had gone to Syria for that purpose. He may or may not have undergone the operation but I am convinced that the primary reason for his absence was political as I was asked by the Supreme Moslem Council to find out if it were safe for him to return and although I informed the Council on or about the 25th October that he could return, he has not yet resumed his duties. He has furnished medical reports from Damascus saying that he needs more "rest" but I have good reason to believe that instead of resting he has been devoting his energies to political activities in Damascus. I think that his attitude and prolonged absence furnish sufficient grounds for his dismissal and I recommend that this be done as soon as possible after the present discussions with the Supreme Moslem Council as regards the modus vivendi are concluded.

Ibrahim Said al Hussein, the Mamour of Hebron, is also absent from duty and in this case again the alleged reason is one of health but it would seem that he

has no intention of returning. He has been paid to the 30th November, 1937, and I recommend that he should not be paid after that date.

Jamil Kff., the Mamour of Gaza, was actually working when the Commission took over. A few days later he left his post, ~~but~~ returned shortly afterwards but did not stay long before he again left Gaza, without leave, for reasons best known to himself. I presume that he has a guilty conscience and since he has left work of his own accord, I suggest that his case be dealt with simultaneously, with and on the same lines as that of Ibrahim Said el Hussein.

(iv) I am convinced that one of the most important reforms to be carried out is the early appointment of a better type of Mamour Awqaf at each of the six centres. This would go far towards ensuring the better administration of Awqaf and would, moreover, improve the behaviour of the subordinate Awqaf officers and the post of minor religious employees in each district. I have given considerable thought to this question and I think that I have discovered suitable candidates for the post of Mamour Awqaf at each of the centres of Acre and Jaffa.

For Acre I most strongly recommend Mohamed Bey Fehoom of Nazareth who is a well educated member of a very influential Moslem family at Nazareth. He is not a politician and as he comes of a wealthy family his motives in accepting the post would be more or less disinterested. I have interviewed him and was favourably impressed; he is willing to accept the post and you can get into touch with him through my brother, A.S. Kirkbride, at Nazareth. I sincerely hope that my recommendation will be accepted as soon as circumstances permit of action being taken.

For Jaffa I suggest a certain Mr. Yusef Haikal (a doctor of law) who was very strongly recommended to me by Mr. Pollock of Jaffa through whom you can get into touch with Mr. Haikal. The personnel section of the Secretariat have a file on this gentleman who has previously sought Government employment. He comes of a reputable Jaffa family which has no political bias.

Mr. Foot of Nablus has suggested two candidates for the post of Mamour Awqaf in that town. Their names are Sheikh Omar Arafat and Haj Shafi Abdel Hadi. The former is at present a member of the Local Awqaf Committee, but I have not had time to enquire into the antecedents or ability of either of these two candidates. Mr. Foot's recommendation is however worthy of serious consideration.

I regret that I am unable to make any useful suggestions in regard to Jerusalem, Hebron or Gaza but I suggest that the assistance of Sheikh Hussam ed din and/or the District Commissioner concerned might be invoked.

In general I think that whenever possible candidates should be selected from the District in which they are to be employed. Their local knowledge would be of great advantage to them and as sons of the district they may reasonably be expected to take more interest in the local Awqaf than a stranger would.

(v) This brings us to the Head office. The Chief Accountant, Fayad Eff. Khadra, is acting as Director General while carrying on his ordinary duties as well. So far I have found his work satisfactory and he has been very helpful to me; and so long as Mr. Jardine has no reason to be dissatisfied, I strongly recommend that the present arrangement be allowed to continue.

In any case I advise that no change be made at the Head office until after the changes in Mamourseen Awqaf in the districts have been carried out.

The Estimates. 9. (1) One of the most important questions which will come under action in the comparatively near future, is the preparation of the Awqaf Estimates for 1938. The Awqaf financial year follows the western calendar year i.e. January 1st to December 31st, and since the Commission was only appointed on the 18th October and was fully occupied for some time in ensuring the continuation of essential services, no useful purpose would have been served by attempting to make any changes in the Estimates for 1937, even if the Commission had been able to devote the necessary time to the task when things eased off a little.

(11) I have given Sheikh Hussam ed din Eff. Jarallah a copy of the current year's estimates and he has undertaken to go through them and to draw up two separate statements showing :- (a) appointments or expenditure for which in his opinion there is no justification; and (b) appointments or expenditure which is not essential but for which there is some justification. It follows that expenditure not included in either list would be that which he considers to be essential for the maintenance and administration of Awqaf and for religious services. This should be of great assistance to the Commission in dealing with the Estimates for 1938 which, in accordance with the normal practice, will be prepared by the General Awqaf Committee and then passed to the Supreme Moslem Council. In accordance with the new arrangements, the Estimates

will be submitted to the Commission by the Supreme Moslem Council, for approval.

(iii) It may be of interest to you to have the following figures concerning the current year's estimates in which the revenue and expenditure balance.

The estimated expenditure for the year is LR 65,597 which can be classified under the following main heads :

Personal Emoluments:	LR 30,758
Other Charges:	LR 25,120
Special Allowances and Contributions:	LR 4,417
Repayment of Debts:	LR 610
Purchase of Lands:	LR 300
Special Expenditure:	<u>LR 4,192</u>
Total :	<u>LR 65,597</u>

(iv) You will remember that prior to our appointment there had been a difference of opinion between Government and the Supreme Moslem Council in regard to the 1937 Awqaf Estimates and that on the 10th November I put up a minute to you on this subject with which both you and Sheikh Hussam ed din were in agreement. I need not go into details in this report; briefly Government's criticism was that the Supreme Moslem Council had budgeted for expenditure in excess of the limit imposed by the agreement of 1932. Technically Government's criticism was right but it would be difficult to press the argument home because in both of the years 1935 and 1936 Government had allowed the Supreme Moslem Council to go beyond the 1932 agreement without raising any objection. In any case it was too late in the year for us to do anything useful in the way of cutting down

expenditure in 1937. My minute on this subject is at (2) in our file AG/15/37.

I suggest that Mr. Jardine should study Secretariat files K/35/37 and K/102/34 which are at present in the custody of the Commission's clerk (Shukry Eff.). I would invite Mr. Jardine's special attention to folio (3a) in K/35/37, and I would suggest for his consideration that he would find it helpful if he were to discuss the question with Mr. Gress of the Treasury who has a considerable knowledge of the financial arrangements between Government and the Supreme Moslem Council in matters relating to Awqaf.

(v) There are three questions which I have not had time to discuss fully with the Supreme Moslem Council and which will require consideration in connection with the 1938 Estimates.

The first is the question of anti-malarial measures on the Waqf estate of Birket Ramadan which forms the subject of our file AG/9/37. The officer of the Secretariat who referred this question to me is Mr. Evans.

The second is that of sanitary and anti-malarial measures at Hebl Rabin which forms the subject of our file AG/13/37. This question was referred to me by Mr. Cornes of the Secretariat.

The third is the question of obtaining a report on the structure of the Masjid el Aqsa by an expert on the conservation of ancient monuments. Shortly after the appointment of the Commission the S.M.C. asked me to arrange for a Government architect to inspect that building and I was able to obtain the services of Mr. Foster Turner of the Public Works Department who, after suggesting certain temporary measures, strongly recommended

that the building be examined by an expert on ancient monuments. I believe Government is considering inviting Mr. Harvey to pay a further visit to Palestine with a view to again examining the Church of the Holy Sepulchre. If this materialises it would be an ideal opportunity of getting a report on the Aqsa, if the S.M.C. agree. The Awqaf would have to pay a part of Mr. Harvey's pay and expenses which at a rough guess would, I think, come to about LE 100 - LE 120 but this depends on the time which he devotes to the Aqsa and this I cannot estimate. Mr. Thompson of the Secretariat can give further particulars. We have some papers which Shukri Eff. can produce when required.

(vi) As regards the expenditure of the Commission, the High Commissioner has recommended to the Secretary of State that this should be borne by Government and it will not therefore be necessary to make any provision in the Awqaf Estimates.

Audit.

10. The Defense (Moslem Awqaf) Regulations, 1937, provide, inter alia, that the accounts of the Commission shall be subject to audit by an Auditor to be appointed by the High Commissioner.

Owing to the fact that the Department of Awqaf has continued to function under the control of the Commission it has not been necessary to open a new set of accounts and the Audit will, therefore, be applied to the Awqaf accounts. Hitherto, those accounts have been examined by a licensed public Auditor and the report on the two years 1935 and 1936 was recently completed by Mr. George Khader. The payment made to the auditor in respect of each of those two years was LE 100.

As regards audit subsequent to the appointment of the Commission, you have decided to entrust the work to Russell and Company and I understand that you have discussed the matter with Mr. Young of that firm.

Further action
required.

11. Time has not permitted of my making a serious attempt to go into the revenue question as I have always understood that Government's immediate anxiety was to establish an effective control over the disbursement of Awqaf funds in regard to which there had been many allegations of use for political and even criminal purposes, and at the outset I concentrated on this aspect of the question. The greater part of the Awqaf revenues consists of payments made by Government in lieu of the tithe dedicated to certain Awqaf and of the rent of Awqaf property. The former alone brings in LR 30,000 per annum.

I suggest that in the near future the Acting Director General should be asked to call upon all Mamours, and/or revenue collectors, to furnish a statement of all overdue revenues together with an explanation of the reasons for the delay in collection and their recommendations as to the action to be taken.

General
Impressions.

12. This report would be incomplete without some reference to the impressions which I have formed in regard to the allegations which have so frequently been made that Awqaf moneys have been diverted to improper purposes.

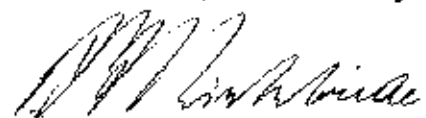
The most common suggestion has been that political activities and even criminal organisations have been heavily subsidised from Awqaf funds. It would be rash of me to take it upon myself to give a categorical denial of these accusations; there are many ways of subsidising such activities in an indirect and ostensibly

legal manner. I am, however, prepared to say that many of the stories put about were malicious inventions and that many more which may have had some foundation were grossly exaggerated.

From what I have seen of the various books of account, which appear to be well kept and which in recent years have been examined by a licensed auditor, one can safely say that on paper all expenditure has been properly brought to account against legitimate services and duly supported by correctly certified vouchers. How far funds have been misapplied by means of spurious contracts or faked certificates it is impossible to say; but it is my opinion that if this were done at all it would be for comparatively small sums and at a rare intervals as every transaction had to pass through a good many hands and such practices would consequently have been highly dangerous. The best safeguard against any such abuse in the future is the appointment of honest Mamouroun Awqaf and in this connection I invite attention to paragraph 8(iv) of this report.

There is, however, no doubt that the Awqaf budget, in which £2 30,000 is allocated to personal emoluments, has been used as a means for the employment of a host of employees whose selection was based on political expediency and nepotism. By this means the ex-President of the Supreme Moslem Council built up a formidable political machine covering practically every town and village in Palestine. This was, however, done in an entirely legal manner since the Supreme Moslem Council were allowed a free hand in the matter of creating posts, determining the salaries of those posts and selecting officers to fill them.

I have the honour to be,
Sir,
Your most obedient servant,



PALESTINE.

CONFIDENTIAL.

Downing Street.

27 November, 1937.

Sir,

(15) I have the honour to refer to my confidential despatch of the 9th October regarding the system adopted in Cyprus for dealing with the administration of Vakf estates, and to state that you will no doubt by now have received a copy of the confidential despatch addressed to me by the Governor of Cyprus on the 29th October on the subject.

2. I shall be obliged if you will reply direct to the Governor of Cyprus if you wish to take advantage of the offer made in paragraph 2 of his despatch.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

W. Arundell Gore

THE OFFICER ADMINISTERING
THE GOVERNMENT OF
PALESTINE.

*Copy of letter
from Awqaf
Commission to S.M.C.*

Jerusalem,

88

14th December, 1937.

Gentlemen,

I have the honour to inform you that it has from the outset been the desire of the Commission to obtain the full co-operation of the Supreme Moslem Council in the control and administration of Moslem Awqaf in Palestine, and to ensure that the existing administrative organization should continue to function in the interests of the Moslem Awqaf.

This policy was explained to you on the occasion of Mr. Kirkbride's first visit to the offices of the Supreme Moslem Council and it has been a source of great satisfaction to the Commission that owing to your co-operation and that of the Awqaf officials the administration of Awqaf has continued without interruption. I also wish to take this opportunity of conveying to you an expression of the Commission's appreciation of the courtesy and assistance which has been afforded to Mr. Kirkbride by you and by the Officers of the Awqaf administration.

2. Regulation 3 of the Defence (Moslem Awqaf) Regulations, 1937, refers to the participation of the Supreme Moslem Council and the General Waqf Committee in the control and management of Moslem Awqaf and as soon as it became apparent that the Supreme Moslem Council were willing to co-operate, the Commission gave careful consideration to the manner in which the future relations

THE SUPREME MOSLEM COUNCIL,

JERUSALEM.

between the Commission, the Council and the Awqaf Administration could be clearly defined.

Government has now approved of the arrangements set out in the immediately following paragraph of this letter and it is the earnest hope of the Commission that the Supreme Moslem Council will be prepared to co-operate on these lines in order that the uninterrupted administration of Awqaf may continue and that the present good relations between the Commission and the Council may be maintained.

3. Estimates:

The final approval of the Estimates shall rest with the Commission; but, as in the past, the General Waqf Committee shall draw up the draft Estimates and pass them to the Supreme Moslem Council for scrutiny and amendment, if necessary. The Estimates will then be referred to the Commission for final approval. The Commission will retain the right to delete or modify any item already included or to insert any new item in the draft Estimates.

Supplementary expenditure not in Approved Estimates:

No supplementary provision in excess of the expenditure contained in the approved Estimates shall be made without the authority of the Commission.

Financial Allocations:

Financial Allocations in respect of items of expenditure contained in the approved Estimates will be first approved by the Supreme Moslem Council. They will then be signed by the senior available member of the Supreme Moslem Council and countersigned, if approved, by the Commission's representative. In the event of disallowance by the Commission's representative, or in any case of doubt, the matter will be referred to the

Commission for their decision and the advice of the members of the Supreme Moslem Council will be sought.

The Commission's representative will scrutinize all existing Financial Allocations and the Commission will reserve the right to withdraw or reduce the unexpended balance of any existing Financial Allocations should such a course seem advisable to the Commission.

Re-allocations between votes:

Re-allocations between approved expenditure votes may be sanctioned by the Supreme Moslem Council in accordance with existing financial procedure; but no vote may be increased by more than £2 10 without the prior sanction of the Commission or their representative.

Salaries:

All vouchers covering the payment of salaries must be approved by the Commission or their representative before payment. Payments must accord with the appropriate authorities governing the appointments, the approved rates of pay and increments.

Responsibilities and Duties of Awqaf Administration and its Officers:

The existing Awqaf Administration and its officers shall continue to demand and to receive on behalf of the Commission all dues and revenues accruing to the Moslem Awqaf; and the Awqaf Administration and its officers will be held personally and pecuniarily responsible for the due performance of the duties of their offices, for the proper collection and custody of all Awqaf money receivable by them, and for any inaccuracies in the accounts rendered by them or under their authority. They will also be held personally and pecuniarily responsible for the proper disbursement of and accounting

for all cash, funds and securities in their charge. They will observe the existing "Financial Instructions and Procedure" relating to Moslem Awqaf, and any further instructions which may be issued by the Commission from time to time.

They will also be responsible for the safe custody and production on demand of all records in their charge.

Payments by Cheque:

Where a Bank account is kept all individual payments in excess of LP 5 shall be made by cheque, except in the case of salaries and wages for distribution in respect of which one cheque for the total amount shown in the salary voucher or wages paysheet is drawn in the name of the officer responsible for the distribution of the money, the payments due thereon may be made in cash.

Cheques on and withdrawals or transfers from Bank Accounts:

Payments by cheque and the drawing of cheques shall continue to be governed by the existing "Financial Instructions and Procedure"; but no transactions through Awqaf Bank accounts involving the withdrawal of sums in excess of LP 20 (Twenty Pounds) in any one case shall be valid unless the cheque or other document authorizing the withdrawal is countersigned by a member of the Commission or by a person authorised by the Commission to countersign such instruments on their behalf. In the case of withdrawals from the Supreme Moslem Council Bank Accounts at Jerusalem, no cheques or other instruments shall be valid unless countersigned by the senior available member of the Supreme Moslem Council and by a member of the Commission.

Contracts:

All contracts must be countersigned by a member of the Commission and contracts already in force must be submitted to the Commission for examination.

Appointment and Discharge of Awqaf Officials and
Disciplinary Procedure relating thereto.

The appointment and dismissal of Ma'moureen Awqaf and other Awqaf officers of equivalent or higher status, shall be dealt with by a special Committee to be appointed by the Commission and composed of a member of the Commission and two members of the Supreme Moslem Council. In the event of any disagreement between members of the special Committee the question shall be referred to the Commission for final decision.

The Commission and the Supreme Moslem Council shall each be entitled to request that the filling of any of the posts mentioned above or the institution of disciplinary proceedings against any person holding or acting in such posts shall be dealt with by the special Committee.

The appointment, punishment and dismissal of all other employees shall be dealt with by the Supreme Moslem Council on behalf of the Commission until further notice, but the prior approval of the Commission or their representative must be obtained before any new appointment is made.

The Commission reserve the right to demand the dismissal of any person who is remunerated from Awqaf Funds if, in the opinion of the Commission, his further employment is considered to be detrimental to the public interest.

Letters of appointment and authorities for increments shall be issued under the authority of the Commission.

Subject to the foregoing instructions and to the reservation by the Commission of the right to exercise at any time all or any of the powers vested in them by the Defence Regulations (Moslem Awqaf) 1937, the Commission hereby direct the Supreme Moslem Council and the Awqaf Administration to administer and supervise until further notice all Moslem Awqaf affairs in Palestine, in accordance with the procedure followed in the past, in the name of and under the general supervision of the Commission.

The Commission further direct the Supreme Moslem Council and the Awqaf Administration to bring legal proceedings connected with the Awqaf in the name of the Commission and to enter on behalf of the Commission into any proceedings brought against the Awqaf; provided that the Supreme Moslem Council and the Awqaf Administration shall not bring or enter into any such proceedings without prior reference to the Commission.

4. I shall be glad to learn at your earliest convenience whether you are prepared to continue to co-operate on these lines and, if so, if you would be so good as to communicate these arrangements to the Acting Director General of Awqaf. A spare copy of this letter is enclosed.

If there are any questions of detail which you wish to discuss, I shall be happy to arrange a meeting.

I have the honour to be,
Gentlemen,
Your obedient servant,

Sd: *M. C. Greene*

Chairman of the Commission
appointed under the Defence
(Moslem Awqaf) Regulations 1937.

Drafted	by <i>M. H. H. H. H.</i>
Revised	
Draft approved by	
Fair copy held by <i>St. Y. H.</i>	

CF/450/37

SECRET

4 December, 1937.

The High Commissioner for Palestine presents his compliments to the Secretary of State for the Colonies and, with reference to the Secretary of State's secret telegram No. 587 of the 25th November, 1937 concerning Moslem Awqaf in Palestine, has the honour to forward for information the enclosed copies of the marginally noted correspondence.

77
 from Supreme Moslem Council dated the 23rd November 1937.

To -do- 78
 dated the 1st December 1937.

CF/450/37

85
1 December, 1937.

CONFIDENTIAL

77
Gentlemen,

I am directed to acknowledge the receipt of your letter No.732/Waqf 2/15 of the 23rd November, 1937, concerning the Commission appointed by Government for the Control and Management of the Finances of the Moslem Awqaf in Palestine, and to inform you that its contents have been duly considered by Government.

2. I am to say that Government has learned with satisfaction that the officers of the Awqaf have continued to carry out their duties in connection with the administration of Moslem Awqaf in Palestine, and that the Supreme Moslem Council have discharged certain duties at the request of the Commission's representative and have co-operated in a most helpful manner with Mr.Kirkbride. This has ensured that Awqaf affairs have continued to run smoothly, which is undoubtedly in the interests of the Moslem Awqaf.

It is Government's hope that this co-operation will continue and I feel sure that this wish is shared by you.

3. With regard to the dismissal of certain officers which formed the subject of the second and third paragraphs of your letter under reply, I am to say that Government was aware of the action which the Commission proposed to

THE SUPREME MOSLEM COUNCIL,
JERUSALEM,

take in this matter and is satisfied that it was taken in the best interests of the Moslem Awqaf inasmuch that it would be wrong to allow highly paid officers to continue to hold responsible posts without carrying out the duties of those posts.

I am to add that Government is certain that the Commission will take no action which would be contrary to the Law of Palestine or to the provisions of the Moslem Sharia.

4. In conclusion I am to refer to paragraph 4 of your letter and to inform you that the legal position is as defined in the Defence (Moslem Awqaf) Regulations, 1937, which were published in the Gazette Extraordinary No. 730 of the 16th October, 1937.

Shortly after commencing their work, the Commission realised that as the outcome of the helpful attitude of the Supreme Moslem Council and the manner in which the Awqaf officials had continued to perform their duties, it was desirable to make specific provision for the participation of the Supreme Moslem Council and the Awqaf Administration in the work of administering the Moslem Awqaf.

The Commission therefore submitted to Government proposals which were designed to ensure the continuation of the present co-operation on lines which would reduce to a minimum the intervention of the Commission in religious and administrative affairs, while ensuring to the Commission the full degree of control necessary to enable them to fulfil their responsibilities.

These proposals were recently approved in a slightly modified form and the Chairman of the Commission

3.

will address you as soon as possible regarding the details of the arrangements proposed for the future.

It is the High Commissioner's earnest hope that this will provide the basis for the continuation of the present good relations between the Supreme Moslem Council and the Commission.

I am,

Gentlemen,

Your obedient servant,

(Sgd.) W. D. BATTERSHILL

CHIEF SECRETARY.

Mr. Kitchener

to

File

١ كانون الاول سنة ١٩٣٧

مرف / ٤٥٠ / ٣٧

سري

حضرات السادة اعضاء المجلس الاسلامي الاعلى المحتومين
القدس .

او عز الي ان اعلدكم بوصول كتابكم عدد ٧٣٢ رقم وقف ١٥/٢
المؤرخ في ٢٣ تشرين الثاني سنة ١٩٣٧ ، بشأن اللجنة التي
هيئتها الحكومة لمرافقة وادارة الشؤون المالية للاوقاف الاسلامية
في فلسطين وان افيدكم ان الحكومة قد نظرت في ما جاء فيه
بمعين الاهتمام .

٢ . لقد علمت الحكومة بارتياح ان موظفي الاوقاف ظهروا على القيام
بواجباتهم فيما يتعلق بادارة الاوقاف الاسلامية في فلسطين وان
المجلس الاسلامي الاعلى قام باداء بعض الواجبات بناء على طلب ممثل
اللجنة ، وتعاون على افضل وجه مع المستر كركيراي . وبفضل ذلك
تأمين سير شؤون الاوقاف سيرا هادئا ، الامر الذي يتفق ، بلا شك ،
ومصلحة الاوقاف الاسلامية .

والحكومة تأمل ان يظل هذا التعاون قائما واني على ثقة
بانكم تشاطرون الحكومة هذا الامل .

٣ . اما فيما يتعلق بفصل بعض الموظفين الذي يحتم منه نفسي
الفقرتين الثانية والثالثة من كتابكم المشار اليه ، فقد كلفت ان افول
ان الحكومة كانت مطلعة على ما كانت اللجنة تنوي اجراءه بهذا
الصدد وهي مقتنعة بان ذلك العمل قد اتخذ حريصا على مصلحة
الاوقاف الاسلامية ، اذ انه ليس من الصواب ان يسمح لبعض الموظفين
من ذوي الرواتب العالية بالبقاء في وظائف ذات مسؤولية دون ان

يؤدوا الواجبات المترتبة على اصحاب تلك الوظائف .
وقد كلفت ان اضيف الي ما سبق ان الحكومة متأكدة بان اللجنة
لن تقوم باى عمل من شأنه ان يكون مخالفا لقوانين فلسطين او
لاحكام الشرع الاسلامي .

٤ . واود في الختام ان اشير الى الفقرة الرابعة من كتابكم وان
اعلمكم ان الوضع القانون هو الوضع الموضح في نظام الدفاع
(الاوقاف الاسلامية) لسنة ١٩٣٧ المنشور في العدد ٧٣٠ من الوقائع
الفلسطينية المؤرخ في ١٦ تشرين الاول سنة ١٩٣٧ .
ولقد تحققت اللجنة ، بعد مضي مدة قصيرة على مباشرتها اعمالها انه
من السغوب فيه ، نتيجة ما ابداه المجلس الاسلامي الاعلى من التعاون
والطريقة التي استمر فيها موثقا الاوقاف على اداء واجباتهم ، ووسع
احكام خاصة لانتزاع المجلس الاسلامي الاعلى وادارة الاوقاف العامة
في ادارة الاوقاف الاسلامية .

ولذلك رفعت اللجنة الى الحكومة مقترحات ترمي الى استمرار التعاون
الحالي على اساس انقاص تدخل اللجنة في الشؤون الدينية والادارية
الى ادنى حد ممكن ، مع الاحتفاظ لها بمقدار واف من الرقابة
ما هو ضروري لتمكينها من الاضطلاع بالمسؤوليات المترتبة عليها .
وقد عودق مؤخرا على هذه المقترحات بعد ادخال تعديلات طفيفة
عليها وسيكتب رئيس اللجنة اليكم باقرب فرصة ممكنة حول تفاصيل
الترتيبات المقترحة للمستقبل .

وأمل المندوب انساني كل الامل ان تضيء هذه الترتيبات الاساس
لبقاء العلاقات الحسنة القائمة الان بين المجلس الاسلامي الاعلى واللجنة .

واقبلوا فائق الاحترام .

السكرتير العام

Government of Palestine.

*In replying to this
letter please quote the
date and reference
number.*

*Chief Secretary's Office,
Jerusalem.*

CE/450/37

Confidential

November, 1937.

Gentlemen,

I am directed to acknowledge the receipt of your letter No. 732/Waqf 2/15 of the 23rd November, 1937, concerning the Commission appointed by Government for the Control and Management of the Finances of the Moslem Awqaf in Palestine, and to inform you that its contents have been duly considered by Government.

2. I am to say that Government has learned with ~~great~~ satisfaction that the officers of the Awqaf have continued to carry out their duties in connection with the administration of Moslem Awqaf in Palestine, and that the Supreme Moslem Council have discharged certain duties at the request of the Commission's representative and have co-operated in a most helpful manner with Mr. Kirkbride. This has ensured that Awqaf affairs have continued to run smoothly, which is undoubtedly in the interests of the Moslem Awqaf.

It is Government's hope that this ~~harmonious~~ co-operation will continue and I feel sure that this wish is shared by you.

3. With regard to the dismissal of certain officers which formed the subject of the second and third paragraphs of your letter under reply, I am to say that Government was aware of the action which the Commission proposed to

THE SUPREME MOSLEM COUNCIL,
JERUSALEM.

take in this matter and is satisfied that it was taken in the best interests of the Moslem Awqaf inasmuch that it would be wrong to allow highly paid officers to continue to hold responsible posts without carrying out the duties of those posts.

I am to add that Government is certain that the Commission will take no action which would be contrary to the Law of Palestine or to the provisions of the Moslem Sharia.

4. In conclusion I am to refer to paragraph 4 of your letter and to inform you that the legal position is as defined in the Defence (Moslem Awqaf) Regulations, 1937, which were published in the Gazette Extraordinary No. 730 of the 16th October, 1937.

Shortly after commencing their work, the Commission realised that as the outcome of the helpful attitude of the Supreme Moslem Council and the mannerⁱⁿ which the Awqaf officials had continued to perform their duties, it was desirable to make specific provision for the participation of the Supreme Moslem Council and the Awqaf Administration in the work of administering the Moslem Awqaf.

The Commission therefore submitted to Government proposals which were designed to ensure the continuation of the present ~~happy~~ co-operation on lines which would reduce to a minimum the ^{intervention} ~~interference~~ of the Commission in religious and administrative affairs, while ensuring to the Commission the ^{full} (degree of control necessary to enable them to fulfil their responsibilities.

These proposals were recently approved in a slightly modified form and the Chairman of the Commission

3.

will address you as soon as possible regarding the details of the arrangements proposed for the future.

It is the High Commissioner's earnest hope that this will provide the basis for the continuation of the present good relations between the Supreme Moslem Council and the Commission.

I am,
Gentlemen,
Your obedient servant,

CHIEF SECRETARY.

DRAFT

49a

Letter

Telegram

Dispatch

to SUPREME MOSLEM COUNCIL,

CONFIDENTIAL

GPP. 3548-40,000-24-1-37

(77)

I am informed by Mr. Kirkbride that the dismissed officers were concerned in the financial control of the Waqf. I therefore concur in the terms of the draft.
W.F.J. 29/11

All the officers concerned were responsible for the administration of waqf funds ... Apart from bribes & their absence without leave they all have doubtful reputations as to their integrity.
29.11.37

(C.D.) When they are - please note are at least 2/3 of the way.
29/11

Gentlemen,

I am directed to acknowledge the receipt of your letter No.732/Waqf 2/15 of the 23rd November, 1937, concerning the Commission appointed by Government for the Control and Management of the Finances of the Moslem Awqaf in Palestine, and to inform you that its contents have been duly considered by Government.

2. I am to say that Government has learned with great satisfaction that the officers of the Awqaf have continued to carry out their duties in connection with the administration of Moslem Awqaf in Palestine, and that the Supreme Moslem Council have discharged certain duties at the request of the Commission's representative and have co-operated in a most helpful manner with Mr. Kirkbride. This has ensured that Awqaf affairs have continued to run smoothly, which is undoubtedly in the interests of the Moslem Awqaf.

It is Government's hope that this harmonious co-operation will continue and I feel sure that this wish is shared by you.

P.T.O.

3. With regard to the dismissal of certain officers which formed the subject of the second and third paragraphs of your letter under reply, I am to say that Government was aware of the action which the Commission proposed to take in this matter and is satisfied that it was taken in the best interests of the Moslem Awqaf inasmuch that it would be wrong to allow highly paid officers to continue to hold responsible posts without carrying out the duties of those posts.

I am to add that Government is certain that the Commission will take no action which would be contrary to the Law of Palestine or to the provisions of the Moslem Sharia.

4. In conclusion I am to refer to paragraph 4 of your letter and to inform you that the legal position is as defined in the Defence (Moslem Awqaf) Regulations, 1937, which were published in the Gazette Extraordinary No.730 of the 16th October, 1937.

Shortly after commencing their work, the Commission realised that as the outcome of the helpful attitude of the Supreme Moslem Council and the manner in which the Awqaf officials had continued to perform their duties, it was desirable to

DRAFT

Letter
Telegram to
Despatch

3.

GPP. 2548-40,000-24-1-37

make specific provision for the participation of the Supreme Moslem Council and the Awqaf Administration in the work of administering the Moslem Awqaf.

The Commission therefore submitted to Government proposals which were designed to ensure the continuation of the present happy co-operation on lines which would reduce to a minimum the interference of the Commission in religious and administrative affairs, while ensuring to the Commission the degree of control necessary to enable them to fulfil their responsibilities.

These proposals were recently approved in a slightly modified form and the Chairman of the Commission will address you as soon as possible regarding the details of the arrangements proposed for the future.

It is the High Commissioner's earnest hope that this will provide the basis for the continuation of the present good relations between the Supreme Moslem Council and the Commission.

I am, &c.,

C.S.

(42a)

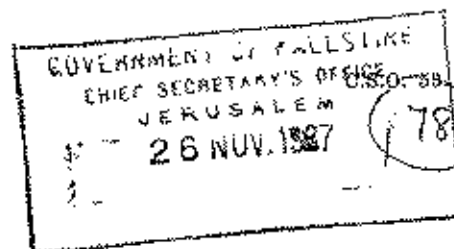
(72a)

(78)

C.S.O. 41 27.11.37.
HM.

Code, Cypher
or Clear? **Code.**

TELEGRAM



From **Secretary of State.**

To

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

Despatched **25.11.37.**

Received **26.11.37.**

GPO. 3788—1000—13-7-37

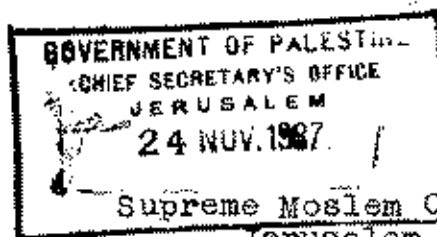
No. **587 Secret.**

Your despatch ⁷²Secret of 12th November.

Moslem Awqaf.

Your proposals approved.

No. 732/Waqf 2/15.



23rd November, 1937.

The Honourable,
The Chief Secretary.

Sir,

1
You will recollect that at the meeting which was held in your office on the 16th October, 1937, in the presence of Mr. Justice Green and Mr. A.L. Kirkbride, you were kind enough to inform the two members of the Council that Government had decided to take special measures with regard to the Supreme Moslem Council and that it has appointed a Commission composed of Mr. Justice Green and Mr. Kirkbride and a Moslem member, whose name will be announced later, for the purpose of controlling and managing the Moslem Awqaf, temporarily.

At the same time, the Defence (Moslem Awqaf) Regulations, 1937, were issued under the Palestine (Defence) Order-in-Council, 1937, which provides in ~~the~~ Article 3, that the Supreme Moslem Council shall cease to control, manage or interfere in Awqaf affairs... except as the Commission may direct...

33
Later, on the 18th October, 1937, an order was issued appointing the Commission and limiting its duties to "the control and management of the finances of the Moslem Awqaf in Palestine". This provision, inasmuch as it limits the functions of the Commission ~~to~~ financial matters, agreed with the statement which you were kind enough to make at the meeting. The Commission has embarked on the discharge of its duties with regard to the financial affairs while the Council continued to carry out its normal duties according to the circumstances and with the knowledge and at the request of the Commission's representative.

2) The Council has received from His Honour the Chairman of the Commission two letters dated the 19th November, 1937, and requiring the termination of the services of some of its officers. The Council, however, is of the opinion that, according to the terms of the Order appointing the Commission dated the 18th October, 1937, which limits the duties of the Commission to "the control and management of the finances of the Moslem Awqaf" and to the statement made by you at the meeting referred to, such action does not fall within the scope of financial matters.

3) As regards the termination of the services of the offices referred to in these two letters, if such measure has been taken as a principle to be applied ~~as~~ by the Commission in the case of other officers, that measure will be inconsistent with Sharia provisions which deal with the appointment and dismissal of *many* officers such as Khatibs, Imams, Preachers, Mudarriseen, and administrative officers, who have the right to control such religious officers in the discharge of their duties.

4) In the circumstances, the Council wishes to know the extent of its legal jurisdiction so as to know how to conduct its work and requests that this position, which is ambiguous, may be cleared.

With highest respects,

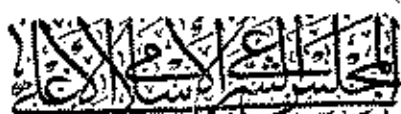
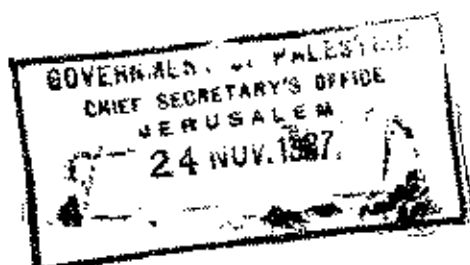
(Sgd) Amin Tamimi,
Member, Supreme Moslem
Council.

Amin Abdul Hadi,
Member, Supreme Moslem
Council.

Muhyiddin,
Member, S.M.C.

المنوان البرقي : المجلس الاسلامي القدس
صندوق البريد : ٥١٧
التلغراف : ٣٧٧ و ٨

العدد	٧٩٤
الرقم	١٧٤٠
التاريخ	٢٠ رمضان ١٣٥٦
	٤٢ تشرين الثاني ١٩٣٧



القرن الشريف

سعادة السكرتير العام المحترم دوائر الحكومة - القدس

تذكرون سعادكم بانه في الاجتماع الذي عقد في مكتبكم يوم ١٦ أكتوبر سنة ١٩٣٧ بحضور سعادة القاضي كرين والمستركركبرايدي تفضلتم فأبلغتم عضوي المجلس الاسلامي الاعلى بان الحكومة قررت اتخاذ اجراءات خاصة تتعلق بالمجلس الاسلامي وانها قد عينت لجنة من سعادة القاضي كرين والمستركركبرايدي ومن عضو مسلم يمثلون عنه فيما بعد . وذلك لمراقبة الشؤون المالية للاوقاف الاسلامية بصورة مؤقتة . وفي الوقت ذاته صدر مرسوم الدفاع عن فلسطين لسنة ١٩٣٧ نظام الدفاع (الاوقاف الاسلامية) تنص المادة الثالثة منه على ان يتوقف المجلس الشرعي الاسلامي الاعلى عن مراقبة شؤون الاوقاف وادارتها الخ . . . الا بالقدر الذي تشير به اللجنة الخ . . .

وقد صدر بعد ذلك في ١٨ منه مرسوم تعيين اللجنة المذكورة بخصص عملها بان يكون " لمراقبة وادارة الشؤون المالية للاوقاف الاسلامية بفلسطين " وهو من حيث تخصص عمل اللجنة بالشؤون المالية يوافق ما تفضلتم به سعادكم في الاجتماع المنوه عنه . وقد قامت اللجنة المشار اليها بالاعمال المتعلقة بالمالية . في حين ان المجلس سار باعماله المعتادة حسب مقتضيات الضرورة وذلك على علم وطلب من اللجنة المذكورة .

٢ - وقد ورد على المجلس الاسلامي من سعادة رئيس اللجنة كتابان مؤرخان في ١٥ تشرين الثاني ١٩٣٧ يقضيان بانهاء عمل بعض موظفيه في حين ان المجلس يعتقد استنادا الى مرسوم تعيين اللجنة المؤرخ في ١٨ تشرين الاول ١٩٣٧ الآنف الذكر المخصص عملها في (مراقبة وادارة الشؤون المالية للاوقاف) والى تصريح سعادكم في الاجتماع المذكور انه خارج عن موضوع الشؤون المالية .

٣ - على ان ملجاء في الكتابين المذكورين من انهاء اعمال الموظفين المذكورين اذا كان قد اتخذ كهدأ تتمشى اللجنة عليه مع سائر الموظفين فذلك مما لا يتفق مع الاحكام الشرعية في تعيين وعزل كثيرين من الموظفين مثل الخطباء والائمة والوعاظ والمدربين ومثل مأموري الادارة الذين لهم حق الرقابة على اولئك الموظفين الذين ينهين في وظائفهم .

المجلس الشرعي الاسلامي الاعلى

ص ٢

- ٤ - فالمجلس رغبة في معرفة ماهو اختصاصه القانوني ليكون على
بيئة في تسيير اعماله بوجوب جلاء هذا الموقف الذي يخفيه القموض
وتفضلوا بقبول فائق الاحترام

عضو المجلس الشرعي
الاعلى

عضو المجلس الشرعي
الاعلى

عضو المجلس الشرعي
الاعلى

1

1

For record only. No act.
11.11.37

Drafted by A.L.K.

24.11.37

**ORGANIZATION OF AVQAF
UNDER THE CONTROL OF THE RACF COMMISSION**

Head Office.

1. The head office is at Jerusalem and the administration is conducted by a Director General of Avqaf. The Director General (Izzat Darwaza) is in Damascus and is prohibited from returning to Palestine. As you are aware, the Commission have decided to terminate that gentleman's appointment on 30.11.37 on the grounds that as he cannot come to Palestine, he cannot carry out his duties. At the date of the Commission's appointment, and up to the present time, the Chief Accountant has been the Acting Director General.

Districts.

2. Under this Head Office there are six "District Offices" at Jerusalem, Hebron, Gaza, Jaffa, Acre and Haifa. Each of these offices is controlled by a "Mamur Avqaf" who is responsible for the administration and supervision of, and the collection of revenues appertaining to the Avqaf in his district.

Financial
Control.

3. The financial side is controlled by a Chief Accountant (at present also acting as Director General) and the system of accounts and internal control seems to me to be satisfactory. There is a code of financial regulations which is very similar to those of Government.

Bank & Cash
Accounts.

4. (1) Each District Mamur has a bank account with the local branch of the Arab Bank; the Jerusalem District also has a small account with the Arab Agricultural Bank.

The Main Account of the Head Office at Jerusalem was lodged partly in the Arab Bank, partly with the

Arab Agricultural Bank and there was a Cash reserve in the Awqaf offices of nearly SP.7,000 when the Commission took over.

(ii) Since the Commission took over the very large Cash reserve has been liquidated - principally by the transfer of SP.5,000 to the account with the Arab Bank. The two accounts with the Arab Agricultural Bank are being gradually liquidated as it is confusing to have so many different accounts.

(iii) Since the Commission took over, a "Reserve Account" has been opened with Barclays in which there is now SP.3,931. This reserve will be further increased by not less than SP.2,500 at the end of November when certain payments are made by the Treasury. No withdrawals can be made from this reserve account without the countersignature of the Commission's representative.

Summary of
Commission's
policy & measures
of control.

5. (i) With the approval of the Officer Administering the Government it has been the policy of the Commission to exercise control with the minimum of disturbance to the existing organization - including the Supreme Moslem Council - in order to avoid dislocation of work which would have given rise to adverse criticism. So far, this policy appears to have been successful and the Commission have therefore submitted detailed proposals to Government defining the extent to which the Supreme Moslem Council and Awqaf Department may carry on with the good work and the degree to which the Commission reserves to itself certain powers. These proposals are now with the Secretary of State who has not yet replied.

(11) At the moment the Commission is exercising its primary function of financial control on the following lines:

(a). All Cash Books and Bank accounts were closed and re-opened on the 18th October which was the date of the Commission's appointment. The Awqaf Cash and Bank Balances throughout Palestine at that date amounted to £P.36,174.919mils.

(b). (The exception to this rule being salaries vide (c) below.) Instructions have been issued that no payments exceeding £P.5 may be made in cash. Payments of more than that amount must be made by cheque and, following the procedure already in force when the Commission was appointed, all cheques have to be signed by two officers.

(c). At Jerusalem, all cheques for more than £P.20 must be countersigned by the Commission's representative. In the case of the "reserve a/c" at Barclays no withdrawals may be made without the countersignature of the Commission's representative, vide § 4(111) above.

(d). In the districts, where supervision is not so easy, the local officials are only allowed to draw cheques up to £P.10. Cheques for more than that amount must be sent to Jerusalem for countersignature by the Commission's representative.

(e). In (b) above I referred to the limitation of cash payments to £P.5. As in the case of Government salaries, an exception from this limitation is made in the case of Awqaf salaries. The procedure being that a single cheque is drawn for the total amount shown in the salary voucher or

group of vouchers; the cheque is in favour of an officer who is responsible for the distribution of the salaries within a specified period.

All salary vouchers are scrutinised and initialled by the Commission's representative before they are passed for payment.

Financial Position.

6. As stated in § 5(ii) the cash and bank balances taken over on 18.10.57 amounted to £P.26,174. This cannot, however, be taken as representing a surplus balance as there are fairly large sums held on deposit. I have not yet been able to ascertain the true position as the main books had fallen into arrears owing to the dislocation which followed on many Asqaf officials leaving the country or being sent to Aden. The Chief Accountant is doing his best to bring the accounts up-to-date and good progress is being made.

Estimates.

7. The estimated expenditure for the current financial year is £P.65,597 which can be classified under the following main heads:

Personal Emoluments:	£P.30,756.
Other Charges:	£P.25,120.
Special Allowances & Contributions:	£P. 4,417.
Repayment of Debts:	£P. 610.
Purchase of Lands:	£P. 500.
Special Expenditure:	£P. 4,192.
Total	<u>£P.65,597.</u>

The financial year runs from 1st January to 31st December and since the end of the year is so near the Commission have decided that no action could usefully be taken as regards "pruning" the 1957

Estimates. Such action will be considered in connection with the 1938 Estimates regarding which the districts have been asked to submit their proposals in accordance with the usual practice.

The expenditure on Personal Emoluments appears to be high, but it must be remembered that there are large numbers of mosques both great and small all over the country which are staffed with Imams, Muftis, Preachers, etc. etc., and there are also itinerant preachers and religious instructors. Action, if any, in regard to cutting down such religious appointments and their emoluments will present a very delicate problem, particularly if it is to be handled by a Commission on which two thirds of the members are non-Muslims.



Code, Cypher
or Clear? Code.

C.S.O. 67

76

TELEGRAM

From

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

Despatched 22.11.37.

Secretary of State.

To

GPP. 1017-4000-15.8.36

No. 538 Secret.

12
The Chairman of the Awqaf Commission requests that early decision be given regarding proposals in my secret despatch of the 12th November as uncertainty is embarrassing to the Commission and the Supreme Moslem Council.

I support this request for reasons given in lines 15 to 21 of paragraph 4 of my despatch and I shall be grateful for an early reply.

PALESTINE

SECRET

REFERENCE NO. CF/450/37

12 November, 1937.

Sir,

I have the honour to refer to the correspondence ending with my Secret telegram No. 173 of the 16th October, 1937 concerning the setting up of a Commission to administer Moslem Awqaf in Palestine, and to submit the following for your consideration.

2. In embarking upon their extremely difficult task the Commission have, with my approval, aimed at obtaining the co-operation of the remaining members of the Supreme Moslem Council and of the Awqaf Administration in order to avoid a breakdown of the existing machinery which would have resulted in great confusion, delay, and probable expense in dealing with Awqaf affairs.

The members of the Supreme Moslem Council have expressed their willingness to co-operate and they have in fact co-operated in a most satisfactory manner with Mr. Kirkbride. The officers of the Awqaf Administration have also continued to carry out their duties, largely because of the example set to them by the members of the Supreme Moslem Council.

I consider it most satisfactory that it has been possible to obtain this unexpected co-operation which has resulted in the administration of Awqaf affairs continuing to run smoothly, and consequently has deprived

THE RIGHT HONOURABLE
W.G.A. ORMSBY GORE, F.C., M.P.,
HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES.

Government's opponents of the opportunity of making political capital out of the delay which might otherwise have occurred in the payment of salaries, bills, endowments and the like.

The members of the Supreme Moslem Council have, however, informed Mr. Kirkbride that they will not be able to continue to co-operate with the Commission unless there is some "face saving" device and unless they are given at least a semblance of authority. Since the Commission consider this co-operation to be an essential factor towards the uninterrupted and satisfactory administration of the Awqaf, I asked them to submit proposals as to the manner in which the remaining members of the Supreme Moslem Council could be associated with the administration of the Awqaf without depriving the Commission of adequate control, particularly as regards financial affairs.

Enclosure

I enclose a copy of the proposals which the Commission have drawn up, and which have been revised by me in consultation with my advisers.

3. The principle of associating the Supreme Moslem Council and the General Waqf Committee in the administration of the Awqaf was recognised when the Defence (Moslem Awqaf) Regulations, 1957, were drawn up and is specifically referred to in Regulation 3.

I have consulted the Executive Council regarding the manner in which the Commission proposed to allow the Supreme Moslem Council to participate in Awqaf affairs and while they were in full agreement with the Commission's policy of endeavouring to ensure the co-operation of the Supreme Moslem Council and the Awqaf officials, there was some difference of opinion as to the manner in which this should be achieved. Whilst

the Council agreed in principle with the proposals, they were of the opinion that Government should refrain from any overt act which might give the impression that it was retreating from the position it had taken up in regard to the administration of the Waqf. Consequently, any amendment of the regulation should be avoided, if possible. Furthermore it should be made clear that when either the Supreme Moslem Council or the Waqf Committee intervened in Waqf affairs they did so solely as agents for the Commission which in turn would assume responsibility for their acts. I concurred in these views and I consider that the proposals now submitted, which are a modification of those originally put forward, can be accepted, and I propose to adopt them if you have no objection.

4. I should explain that I am referring these proposals to you because if they are adopted, it will almost certainly be suggested that the Government is taking a retrograde step and that the Government is now giving way to pressure by Arabs. The action is bound to be misrepresented in certain quarters that the Government is giving up the control which is so necessary. In point of fact that is not so. The Government will still have complete control. The reason for my recommending that this should be approved is that the remaining members of the Supreme Moslem Council are anxious to co-operate and such co-operation will materially help the work of the Commission which would find it extremely difficult to administer the Awqaf, for some time at any rate until they had gained experience, without this co-operation. Further, it seems desirable on religious and political grounds to encourage the co-operation of the Arabs with the Administration in this matter if only to prove the falsity of the

statements that recent Government action has been taken not primarily in the interests of security but with the intention of breaking all Arab opposition to partition. It will however not be possible to obtain this co-operation unless there is some "face saving" device and unless the remaining members of the Supreme Moslem Council are given at least a semblance of authority. This might be effected by the present proposals though I am unable to say definitely whether the remaining members of the Supreme Moslem Council will be prepared to co-operate with the somewhat truncated powers which it is proposed to give them, but I have hopes that they will and it is for that reason that I make these proposals.

5. I am satisfied that the adoption of these proposals will in no way lessen the ability of the Commission to exercise adequate control over the Awqaf funds and I shall be grateful if I may receive your approval thereof by telegram as soon as possible.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(Sd.) W. D. BATTERSHILL

OFFICER ADMINISTERING THE GOVERNMENT.

Drafted	} by <i>Munir K. Khatib</i>
Discussed	
Draft approved by	<i>SAG</i>
Fair copy typed by	<i>ST</i>

Instructions to Supreme Moslem Council regarding their powers; and restrictions to be imposed to ensure adequate control by the Commission.

The arrangements in regard to the signing of cheques before the Commission took over were as follows:-

- I
- (a) In the Jerusalem Awqaf Office (as distinct from the Directorate of Awqaf) as well as in the other districts e.g. Nablus and Jaffa, cheques drawn on the district Awqaf accounts were signed by the Accountant of the district concerned and countersigned by the Ma'mur of Awqaf of the district concerned. Such cheques were only drawn to meet expenditure which had been authorised by financial allocation and against vouchers under those allocations which had been passed for payment by the Directorate;
- I
- (b) as regards cheques on the main account of the Supreme Moslem Council, at Jerusalem, cheques were drawn by the Chief Accountant of the Awqaf and countersigned by the Director General of Awqaf, and if in excess of a fixed maximum, they were, in addition, countersigned by the President of the Supreme Moslem Council, or in his absence by the senior member of the Supreme Moslem Council acting for him.

2. The proposals which are set out below have been framed on the assumption that Government is now agreed on the desirability of obtaining the co-operation of the Supreme Moslem Council and the existing Awqaf Administrations

with the work of the Commission; and that the latter should, subject to their general control, delegate certain powers to the Supreme Moslem Council in regard to the administration of Awqaf and should in other ways, associate the Supreme Moslem Council in the work of administration and control of the affairs of the Moslem Awqaf; the Supreme Moslem Council having made it clear that it will only be possible for them to co-operate if they are left with a reasonable share in the management of affairs in order to make their position possible vis-à-vis public opinion and, incidentally, their own self respect.

Bearing in mind these considerations the Commission make the following proposals regarding the general principles to be followed in order to secure and preserve the necessary degree of co-operation with the Supreme Moslem Council and the Awqaf Administration in the administration of Awqaf affairs.

Estimates:

The final approval of the Estimates shall rest with the Commission; but, as in the past, the General Waqf Committee shall draw up the draft Estimates and pass them to the Supreme Moslem Council for scrutiny and amendment, if necessary. The Estimates will then be referred to the Commission for final approval. The Commission will retain the right to delete or modify any item already included or to insert any new item in the draft Estimates.

Supplementary expenditure not in Approved Estimates:

No supplementary provision in excess of the expenditure contained in the approved Estimates shall be made without the authority of the Commission.

Financial Allocations:

Financial Allocations in respect of items of expenditure contained in the approved Estimates will be first approved by the Supreme Moslem Council. They will be then signed by the senior available member of the Supreme Moslem Council and countersigned, if approved, by the Commission's representative. In the event of disallowance by the Commission's representative, or in any case of doubt, the matter will be referred to the Commission for their decision and the advice of the members of the Supreme Moslem Council will be sought.

The Commission's representative will scrutinise all existing Financial Allocations and the Commission will reserve the right to withdraw or reduce the unexpended balance of any existing Financial Allocations should such course seem advisable to the Commission.

Re-allocations between votes:

Re-allocations between approved expenditure votes may be sanctioned by the Supreme Moslem Council in accordance with existing financial procedure; but no vote may be increased by more than £ 10 without the prior sanction of the Commission or their representative.

Salaries:

All vouchers covering the payment of salaries must be approved by the Commission or their representative before payment. Payments must accord with the appropriate authorities governing the appointments, the approved rates of pay and increments.

Responsibilities and Duties of Awqaf Administration and its Officers:

The existing Awqaf Administration and its officers

shall continue to demand and to receive on behalf of the Commission all dues and revenues accruing to the Moslem Awqaf; and the Awqaf Administration and its officers will be held personally and pecuniarily responsible for the due performance of the duties of their offices, for the proper collection and custody of all Awqaf money receivable by them, and for any inaccuracies in the accounts rendered by them or under their authority. They will also be held personally and pecuniarily responsible for the proper disbursement of and accounting for all cash, funds and securities in their charge. They will observe the existing "Financial Instructions and Procedure" relating to Moslem Awqaf, and any further instructions which may be issued by the Commission from time to time.

They will also be responsible for the safe custody and production on demand of all records in their charge.

Payments by cheque:

Where a Bank account is kept all individual payments in excess of LR 5 shall be made by cheque, except in the case of salaries and wages for distribution in respect of which one cheque for the total amount shown in the salary voucher or wages paysheet is drawn in the name of the officer responsible for the distribution of the money, the payments due thereon may be made in cash.

Cheques on and withdrawals or transfers from Bank Accounts:

Payments by cheque and the drawing of cheques shall continue to be governed by the existing "Financial Instructions and Procedure"; but no transactions through Awqaf Bank accounts involving the withdrawal of sums in excess of LR 20 (twenty pounds) in any one case shall be valid unless the cheque or other document authorizing the

withdrawal is countersigned by a member of the Commission or by a person authorised by the Commission to countersign such instruments on their behalf. In the case of withdrawals from the Supreme Moslem Council Bank Accounts at Jerusalem, no cheques or other instruments shall be valid unless countersigned by the senior available member of the Supreme Moslem Council and by a member of the Commission.

Contracts:

All contracts must be countersigned by a member of the Commission and contracts already in force must be submitted to the Commission for examination.

Appointment and Discharge of Awqaf Officials and Disciplinary Procedure relating thereto.

The appointment and dismissal of Ma'moureen Awqaf and other Awqaf officers of equivalent or higher status, shall be dealt with by a special Committee to be appointed by the Commission and composed of a member of the Commission and two members of the Supreme Moslem Council. In the event of any disagreement between members of the special Committee the question shall be referred to the Commission for final decision.

The Commission and the Supreme Moslem Council shall each be entitled to request that the filling of any of the posts mentioned above or the institution of disciplinary proceedings against any person holding or acting in such posts shall be dealt with by the special Committee.

The appointment, punishment and dismissal of all other employees shall be dealt with by the Supreme Moslem Council on behalf of the Commission until further notice, but the prior approval of the Commission or their representative must be obtained before any new appointment is made.

The Commission reserve the right to demand the dismissal of any person who is remunerated from Awqaf Funds if, in the opinion of the Commission, his further employment is considered to be detrimental to the public interest.

Letters of appointment and authorities for increments shall be issued under the authority of the Commission.

Subject to the foregoing instructions and to the reservation by the Commission of the right to exercise at any time all or any of the powers vested in them by the Defence Regulations (Moslem Awqaf) 1937, the Commission hereby direct the Supreme Moslem Council and the Awqaf Administration to administer and supervise until further notice all Moslem Awqaf affairs in Palestine, in accordance with the procedure followed in the past, in the name of and under the general supervision of the Commission.

The Commission further direct the Supreme Moslem Council and the Awqaf Administration to bring legal proceedings connected with the Awqaf in the name of the Commission and to enter on behalf of the Commission into any proceedings brought against the Awqaf; provided that the Supreme Moslem Council and the Awqaf Administration shall not bring or enter into any such proceedings without prior reference to the Commission.

AIR MAIL
DRAFT

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~~XXXXXX~~
~~Telegram~~
Despatch

to SECRETARY OF STATE.

SECRET.

GPP. 3315-20,000-10.5.37

Sir,

(27)

I have the honour to refer to the correspondence ending with my Secret telegram No.173 of the 16th October, 1937, concerning the setting up of a Commission to administer Moslem Awqaf in Palestine, and to submit the following for your consideration.

2. In embarking upon their extremely difficult task the Commission have, with my approval, aimed at obtaining the co-operation of the remaining members of the Supreme Moslem Council and of the Awqaf Administration in order to avoid a breakdown of the existing machinery which would have resulted in great confusion, delay, and probable expense in dealing with Awqaf affairs.

The members of the Supreme Moslem Council have expressed their willingness to co-operate and they have in fact co-operated in a most satisfactory manner with Mr. Kirkbride. The officers of the Awqaf Administration have also continued to carry out

DRAFT

Letter
Telegram to
Despatch

2.

G.P.F. 2548-40,000-24.1-37

their duties, largely because of the example set to them by the members of the Supreme Moslem Council.

I consider it most satisfactory that it has been possible to obtain this unexpected co-operation which has resulted in the administration of Awqaf affairs continuing to run smoothly, and ~~x~~ consequently ~~x~~ has deprived Government's opponents of the opportunity of making political capital out of the delay which might otherwise have occurred in the payment of salaries, bills, endowments and the like.

The members of the Supreme Moslem Council have, however, informed Mr. Kirkbride that they will not be able to continue to co-operate with the Commission unless there is some "face saving" device and unless they are given at least a semblance of authority. ~~but~~ Since the Commission consider this co-operation to be an essential factor towards the uninterrupted and satisfactory administration of the Awqaf, I ~~have~~ asked them to submit proposals as to the manner in which the remaining members of the

DRAFT

Letter
Telegram to
Despatch

3.

GPP, 2348-40,000-24-1-37

Supreme Moslem Council could be associated ^{with} in the administration of the Awqaf without depriving the Commission of adequate control, particularly as regards financial affairs.

I enclose a copy of the proposals which the Commission have drawn up, *and which have been revised by me in consultation with my advisers.*

3. The principle of associating the Supreme Moslem Council and the General Waqf Committee in the administration of the Awqaf was recognised when the Defence (Moslem Awqaf) Regulations, 1937, were drawn up and is specifically referred to in Regulation 3.

I have consulted the Executive Council regarding the manner in which the Commission proposed to allow the Supreme Moslem Council to participate in Awqaf affairs and while they ^{were} ~~are~~ in full agreement with the Commission's policy of endeavouring to ensure the co-operation of the Supreme Moslem Council and ~~the continued loyalty of~~ the Awqaf officials, there ^{was} ~~is~~ some difference of opinion as to the manner

DRAFT

Letter

Telegram to

Despatch

4.

G.P.P. 2546-40,800-24.1.37

in which this should be achieved. Whilst the Council agreed in principle with the proposals, they were of the opinion that Government should refrain from any overt act which might give the impression that it was retreating from the position it had taken up in regard to the administration of the Waqf. Consequently, any amendment of the regulation should be avoided, if possible. Furthermore it should be made clear that when either the Supreme Moslem Council or the Waqf Committee intervened in Waqf affairs they did so solely as agents for the commission which in turn would assume responsibility for their acts. I concurred in these views ~~of my Council~~ and I consider that the proposals now submitted, which are a modification of those originally put forward, can be accepted, and I propose to adopt them if you have no objection.

4. I should explain that I am referring these proposals to you because if they are adopted, it ~~may~~ ~~be said~~ that the Government is taking a retrograde step and that the Government is now giving way to pressure by Arabs, ~~etc.~~ The action is bound to be misrepresented in certain quarters that the Government is giving up the control which is so necessary. In point of fact that is not so. The Government will still have complete control. The reason for my recommending that this should be approved is that the remaining members of the Supreme Moslem Council are anxious to co-operate and such

Which almost certainly be suggested

DRAFT

Letter
Telegram to
Despatch

5.

GPP. 8315-20,000-10-5-37

co-operation will materially help the work of the Commission which would find it extremely difficult to administer the Awqaf, for some time at any rate until they had gained experience, without this co-operation. Further, it seems desirable on religious and political grounds to encourage the co-operation of the Arabs with the Administration in this matter if only to prove the falsity of the statements that recent Government action has been taken ~~with a view to "downing" the Arabs as a whole.~~ It will however not be possible to ^{obtain} ~~get~~ this co-operation unless there is some "face saving" device and unless the remaining members of the Supreme Moslem Council are given at least a semblance of authority. This might be effected by the present proposals though I am unable to say definitely whether the remaining members of the Supreme Moslem Council will be prepared to co-operate with the somewhat truncated powers which it is proposed to give them, but I have hopes that they will and it is for that reason that I make these proposals.

I but primarily in the
I interests of security but
~~open~~ with the intention
of breaking all Arab
opposition to British.

DRAFT

Letter
Telegram to
Despatch

6.

GPP. 3313-20,000-10-5-37

5. I am satisfied that the adoption of these proposals will in no way lessen the ability of the Commission to exercise adequate control over the AWqaf funds and I shall be grateful if I may receive your approval thereof by telegram as soon as possible.

I have, &c.,

OAG.

2.11.37.

EM.

(D)

11-11

DRAFT

Letter
Telegram to
Despatch

G.P. 3815-20,000-10-5-37

in which this should be achieved.

In this connection the Attorney

General writes :-

"As a principle of Government policy I do not object to the procedure outlined, ~~but it will require an amendment of the regulation, and this would appear to me to be unwise at the present time, as it would leave Government open to the charge of retreating.~~

I would suggest to Judge Greene and his colleagues that their object might be achieved by the issue of general instructions, and their acquiescence in certain acts of the remaining members of the Supreme Moslem Council while the Commission retains the legal responsibility. What I want to avoid now is the statutory transfer back to the Supreme Moslem Council of the powers we took from them in the recent regulation".

In the Treasurer's opinion warrants of appointment and all increment warrants should be issued

55c

* But the transfer of powers proposed by the Commission in the concluding portion of their memorandum is something different from what was intended when regulation 3 was drafted and it would, in my opinion, require an amendment of the regulation. I have suggested some changes to the proposals.

When the Council agreed in principle to the proposals the case of the Government should be referred from any overt act which might give the impression that it was retreating from the position it had taken up in regard to the administration of the Council. Consequently, any amendment of the regulation should be avoided if possible. Furthermore it should be made clear that when either the Council or the Government is in a position to take action they do so solely as agents for the Commission which in turn would assume responsibility for their acts. I concurred in this view of my Council and I consider that the proposals now submitted, which are a modification of those originally put forward, can be accepted, and I propose to adopt them if you have no objection.

55

DRAFT

Letter
Telegram to
Despatch

5.

G.P.P. 2314-23,000-10-5-37

*The Governor also
dislikes the delegation
suggested in the
penultimate paragraph
of the Commission's
proposal. I
agree and I
propose to delete
this paragraph.*

under the authority of the Commission;
and the taking of disciplinary
action against officials or their
dismissal should be subject to
confirmation by the Commission.

adoption of
Subject to the recommendations
of the Attorney General and the
Treasurer as set out above, I propose
to adopt the Commission's proposals
forthwith if you have no objection.

4. I should explain that I am
referring these proposals to you
because if they are adopted, it may
be said that the Government is
taking a retrograde step and that
the Government is now giving way to
pressure by Arabs, etc. The action is
bound to be misrepresented in
certain quarters that the Government
is giving up the control which is so
necessary. In point of fact that is
not so. The Government will have
complete control still. The reason
for my recommending that this should
be approved is that the remaining
members of the Supreme Moslem Council
are anxious to co-operate and such

Contracts:

All contracts must be countersigned by a member of the Commission and contracts already in force must be submitted to the Commission for examination.

Appointment and Discharge of Awqaf Officials and Disciplinary Procedure relating thereto.

The appointment and dismissal, of Ma'mouneen Awqaf and other Awqaf officers of equivalent or higher status, shall be dealt with by a special Committee composed of a member of the Commission and two members of the Supreme Moslem Council. In the event of any disagreement between members of the special Committee the question shall be referred to the Commission for final decision.

The Commission and the Supreme Moslem Council shall each be entitled to request that the filling of any of the posts mentioned above or the institution of disciplinary proceedings against any person holding or acting in such posts shall be dealt with by the special Committee.

The appointment, punishment and dismissal of all other employees shall be ^{dealt with by} ~~delegated to~~ the Supreme ^{on behalf of the Commission} until further notice but the prior approval

of the Commission is required for any appointment or discharge of any employee under the authority of the Commission.

is considered to be detrimental to the public interest.

Subject to the foregoing and to the reservation by the Commission of the right to exercise at any time all or any of the powers vested in them by the Defence (Moslem Awqaf) Regulations 1937, the Supreme Moslem Council and the Awqaf Administration shall, until further notice,

64

Contracts:

All contracts must be countersigned by a member of the Commission and contracts already in force must be submitted to the Commission for examination.

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The appointment and dismissal, of Ma'moureen Awqaf and other Awqaf officers of equivalent or higher status, shall be dealt with by a special Committee composed of a member of the Commission and two members of the Supreme Moslem Council. In the event of any disagreement between members of the special Committee the question shall be referred to the Commission for final decision.

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The appointment, punishment and dismissal of all other employees shall be ^{dealt with by} ~~delegated to~~ the Supreme ^{as being of the Commission} until further notice but the prior approval

Letter of appointment & authorisation for an employee shall be issued on the authority of the Commission.

is considered to be detrimental to the public interest.

Subject to the foregoing and to the reservation by the Commission of the right to exercise at any time all or any of the powers vested in them by the Defence (Moslem Awqaf) Regulations 1937, the Supreme Moslem Council and the Awqaf Administration shall, until further notice,

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The Commission and the Supreme Moslem Council shall each be entitled to request that the filling of any of the posts mentioned above or the institution of disciplinary proceedings against any person holding or acting in such posts shall be dealt with by the special Committee.

The appointment, punishment and dismissal of all other employees shall be ^{dealt with by} ~~delegated to~~ the Supreme Moslem Council ^{on behalf of the Commission} until further notice, but the prior approval of the Commission or their representative must be obtained before any new appointment is made.

The Commission reserve the right to demand the dismissal of any person who is remunerated from Awqaf Funds if, in the opinion of the Commission, his further employment is considered to be detrimental to the public interest.

Subject to the foregoing and to the reservation by the Commission of the right to exercise at any time all or any of the powers vested in them by the Defence (Moslem Awqaf) Regulations 1937, the Supreme Moslem Council and the Awqaf Administration shall, until further notice,

administer and supervise Moslem Awqaf affairs in Palestine in accordance with the law, and shall bring as a legal party all legal proceedings connected with the Awqaf and shall enter as a legal party into any proceedings brought against the Awqaf.

Provided that the Commission shall be kept informed of all legal proceedings entered into on behalf of the Awqaf or brought against the Awqaf and of all cases in which the law might properly be invoked.

EXECUTIVE COUNCIL

CIRCULATED FOR WRITTEN OPINIONS

QUESTION

Secret. Immediate.

Should the proposals in the attached memorandum regarding the administration of Supreme Moslem Council and Awqaf finances be forwarded to the Secretary of State with a recommendation in favour of their acceptance?

27. 10. 37.

Clerk to the Executive Council

G.P.P. 3380-3003-17-5-37

OPINIONS

Mr. D. G. HARRIS, C.S.I., C.I.E.

Yes D 27/10

TREASURER

Received on return from Jaffer 5.15. pm. 27/10.
 Yes with the following exceptions. The appointment of my officers as officers without appointment will increase worries should be issued under the authority of the Commission; and the taking of disciplinary action against officers should be subject to confirmation by the Commission. I do not like the delegation in the Memorandum to have on page 5th. 27/10

CHIEF SECRETARY

As regards method I agree with A.L. The method should be the next delegation referred to in the last sentence of his opinion. I support further discussion on 1.11. 27.10

DECISION OF THE HIGH COMMISSIONER

O. A. G.

HIGH COMMISSIONER

O. A. G.

27. 10. 1937

Hon. ^(Sd/- 26.10)
Chief Secretary.

(SSa)

I submit herewith a note on the
matters which we propose for
the participation of the S.M.C
in the administration of the
Agency.

I shall be glad if this may
be submitted to H.E. for his
approval.

I will be grateful if the Commission
can have an early decision
as we are anxious to keep the
existing machinery working.

M. C. Cheema,
25. 8. 37.

Chakr. Lal

R. G. The Members of Ex. Co.
read this paper. I agree with
the proposals.

Sd/-
26.10

ALL PROCEED
27/10/37

Instructions
~~to the Commission~~ to Supreme Moslem Council
 of certain powers and instructions to be
 imposed to ensure adequate control by the
 Commission.

The arrangements in regard to the signing of cheques before the Commission took over were as follows :-

(a) In the Jerusalem Awqaf Office (as distinct from the Directorate of awqaf) as well as in the other districts e.g. Nablus and Jaffa, cheques drawn on the district awqaf accounts were signed by the Accountant of the district concerned and countersigned by the Ma'mur of Awqaf of the district concerned. Such cheques were only drawn to meet expenditure which had been authorised by financial allocation and against vouchers under those allocations which had been passed for payment by the directorate;

(b) as regards cheques on the main account of the Supreme Moslem Council, at Jerusalem, cheques were drawn by the Chief Accountant of the Awqaf and countersigned by the Director General of Awqaf, and if in excess of a fixed minimum, they were, in addition, countersigned by the President of the Supreme Moslem Council, or in his absence by the senior member of the Supreme Moslem Council acting for him.

2. The proposals which are set out below have been framed on the assumption that Government is now agreed on the desirability of obtaining the cooperation of the Supreme Moslem Council and the existing Awqaf Administration with the work of the Commission; and that the latter should, subject to their general control, delegate certain powers to the Supreme Moslem Council in regard to the administration of awqaf and should, in other ways, associate the Supreme Moslem Council in the work of administration and control of the affairs of the Moslem awqaf; the Supreme

Moslem Council having made it clear that it will only be possible for them to cooperate if they are left with a reasonable share in the management of affairs in order to make their position possible vis-à-vis public opinion and, incidentally, their own self respect.

Bearing in mind these considerations the Commission make the following proposals regarding the general principles to be followed in order to secure and preserve the necessary degree of co-operation with the Supreme Moslem Council and the Awqaf Administration in the administration of awqaf affairs.

Estimates:

The final approval of the Estimates shall rest with the Commission; but, as in the past, the General Waqf Committee shall draw up the draft Estimates and pass them to the Supreme Moslem Council for scrutiny and amendment, if necessary. The Estimates will then be referred to the Commission for final approval. The Commission will retain the right to delete or modify any item already included or to insert any new item in the draft Estimates.

~~[The present limit placed upon total expenditure will remain in force.]~~

Supplementary expenditure not in Approved Estimates:

No supplementary provision in excess of the expenditure contained in the approved Estimates shall be made without the authority of the Commission.

Financial Allocations:

Financial Allocations in respect of items of expenditure contained in the approved Estimates will be first approved by the Supreme Moslem Council. They will be then signed by the senior available member of the Supreme

Moslem Council and countersigned, if approved, by the Commission's representative. In the event of disallowance by the Commission's representative, or in any case of doubt, the matter will be referred to the Commission for their decision and the advice of the members of the Supreme Moslem Council will be sought.

The Commission's representative will scrutinise all existing Financial Allocations and the Commission will reserve the right to withdraw or reduce the unexpended balance of any existing Financial Allocations should such course seem advisable to the Commission.

Re-allocations between votes:

Re-allocations between approved expenditure votes may be sanctioned by the Supreme Moslem Council in accordance with existing financial procedure; but no vote may be increased by more than £2 10 without the prior sanction of the Commission or their representative.

Salaries:

All vouchers covering the payment of salaries must be approved by the Commission or their representative before payment. Payments must accord with the appropriate authorities governing the appointments, the approved rates of pay and increments.

Responsibilities and Duties of Awqaf Administration and its Officers:

The existing Awqaf Administration and its officers shall continue to demand and to receive ^{or collect} all dues and revenues accruing to the Moslem Awqaf; and the Awqaf Administration and its officers will be held personally and pecuniarily responsible for the due performance of the duties of their offices, for the proper collection and custody of all Awqaf money receivable by them, and for any

inaccuracies in the accounts rendered by them or under their authority. They will also be held personally and pecuniarily responsible for the proper disbursement of and accounting for all cash, funds and securities in their charge. They will observe the existing "Financial Instructions and Procedure" relating to Moslem Awqaf, and any further instructions which may be issued by the Commission from time to time.

They will also be responsible for the safe custody and production on demand of all records in their charge.

Payments by cheque:

Where a Bank account is kept all individual payments in excess of LP 5 shall be made by cheque, except ~~that~~ in the case of salaries and wages for distribution, in respect of which one cheque for the total amount shown in the salary voucher or wages paysheet is drawn in the name of the officer responsible for the distribution of the money, the payments due thereon may be made in cash.

Cheques on and withdrawals or transfers from Bank Accounts:

Payments by cheque and the drawing of cheques shall continue to be governed by the existing "Financial Instructions and Procedure"; but no transactions through Awqaf Bank accounts involving the withdrawal of sums in excess of LP 20 (twenty Pounds) in any one case shall be valid unless the cheque or other document authorizing the withdrawal is countersigned by a member of the Commission or by a person authorized by the Commission to countersign such instruments on their behalf. In the case of withdrawals from the Supreme Moslem Council Bank Accounts at Jerusalem, no cheques or other instruments shall be valid unless countersigned by the senior available member of the Supreme Moslem Council and by a member of the Commission.

Contracts:

All contracts must be countersigned by a member of the Commission and contracts already in force must be submitted to the Commission for examination.

Appointment and Discharge of Awqaf Officials and Disciplinary Procedure relating thereto.

The appointment and dismissal, of Ma'moureen Awqaf and other Awqaf officers of equivalent or higher status, shall be dealt with by a special Committee to be appointed by the Commission and composed of a member of the Commission and two members of the Supreme Moslem Council. In the event of any disagreement between members of the special Committee the question shall be referred to the Commission for final decision.

The Commission and the Supreme Moslem Council shall each be entitled to request that the filling of any of the posts mentioned above or the institution of disciplinary proceedings against any person holding or acting in such posts shall be dealt with by the special Committee.

The appointment, punishment and dismissal of all other employees shall be dealt with by the Supreme Moslem Council on behalf of the Commission until further notice, but the prior approval of the Commission or their representative must be obtained before any new appointment is made.

The Commission reserve the right to demand the dismissal of any person who is remunerated from Awqaf Funds if, in the opinion of the Commission, his further employment is considered to be detrimental to the public interest.

Letters of appointment and authorities for increments shall be issued under the authority of the Commission.

Subject to the foregoing instructions and to the reservation by the Commission of the right to exercise at any time all or any of the powers vested in them by the Defence Regulations (Moslem Awqaf) 1937, the Commission hereby direct the Supreme Moslem Council and the Awqaf Administration to administer and supervise until further notice all Moslem Awqaf affairs in Palestine, in accordance with the procedure followed in the past, in the name of and under the general supervision of the Commission.

The Commission further direct the Supreme Moslem Council and the Awqaf Administration to bring legal proceedings connected with the Awqaf in the name of the Commission and to enter on behalf of the Commission into any proceedings brought against the Awqaf; provided that the Supreme Moslem Council and the Awqaf Administration shall not bring or enter into any such proceedings without prior reference to the Commission.

550

ATTORNEY GENERAL'S OFFICE,
JERUSALEM,
PALESTINE.

C/S. X
As a principle of Govt. policy I do not object to the procedure outlined, but it will require an amendment of the regulation, and this would appear to me to be unwise at the present time, as it would leave Govt. open to the charge of retreating.

I would suggest to Judge Green and his colleagues that their object might be achieved by the issue of general instructions, and their acquiescence in certain acts of the ~~remaining~~ members of the S. H. C. while the Commission retains the legal responsibility. What I want to avoid now is the ^{statutory} transfer back to the S. H. C. of the ~~statutory~~ powers we took from them in the recent regulation X

W. G. F. B. Gould
30/10

CF/450/37

Confidential

28 October, 1937.

My dear Sir John,

(40.2)

With reference to your confidential letter of the 8th October, you will now have learnt from my secret telegram No.486 of the 21st October, which was sent before your letter arrived, that there is no evidence at our disposal upon which even a prima facie case against Haj Amin Hussein for misapplication of Awqaf funds could be established. I am afraid that Lord Melchett's letter of the 7th October to the Secretary of State does not get us any farther in this respect.

As you know, the Commission, set up by Government for the control and management of the finances of the Moslem Awqaf in Palestine and consisting of Judge Greene (Chairman), A.L.Kirkbride and a Moslem Government official, has now been at work for a week. It is the opinion of the Chairman and Kirkbride that even if there has been malfeasance, which is by no means an established

SIR J.E. SHUCKBURGH, K.C.M.G., C.B.

1006

fact, it is unlikely that any evidence thereof will be found. If there have been any irregularities, it is pretty certain that they will have been disguised as legitimate disbursements supported by vouchers, receipts, &c., in proper form. A search of the Arab Bank by the Police, assisted by the Examiner of Banks, on the day on which we deported certain members of the Arab Higher Committee revealed nothing of special significance; but certain documents, &c., are still under examination and the feasibility of making a case against Haj Amin upon which extradition proceedings could be founded will certainly not be lost sight of. But, as I say, I can hold out no great hopes of success in this direction.

As regards the audit of Awqaf accounts, the past practice was for this to be done by a licensed public auditor: they have never been audited by the Colonial Audit Department. The Commission has suggested that if a systematic inquiry into past accounts is desired, the task should be entrusted either to the Auditor or to a firm of private auditors of unimpeachable standing such

3.

as Russell and Co.; but it is their opinion that nothing of importance will be detected even if it is there.

yours sincerely,

(Sgd.) W. D. CATTERSHILL

DRAFT

(48a)

Letter

~~Telegram~~ to

~~Despatch~~

semi-official to Sir J.E.Shuckburgh, K.C.M.G.

f.s. by O.A.G.

GPP. 2815-20,000-10-5-57

Confidential.

With reference to your confidential letter of the 8th October, you will now have learnt from my secret telegram No.486 of the 21st October, which was sent before your letter arrived, that there is no evidence at our disposal upon which even a prima facie case against Haj Amin Hussein for misapplication of Awqaf funds could be established. I am afraid that Lord Melchett's letter of the 7th October to the S. of S. does not get us any farther in this respect.

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that they will have been disguised as legitimate disbursements supported by vouchers, receipts, &c., in proper form. A search of the Arab Bank by the Police, assisted by the Examiner of Banks, on the day on which we deported certain members of the Arab Higher Committee revealed nothing of special significance; but certain documents, &c., are still under examination and the feasibility of making a case against Haj Amin upon which extradition proceedings could be founded will certainly not be lost sight of. But, as I say, I can hold out no great hopes of success in this direction.

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[I intend, however, to give further consideration to this possibility as soon as I can.]

In

27.10

omit
h.
26.10

46a

DECISION OF EXECUTIVE COUNCIL

Dated 22nd October, 1937.

MOST SECRET

1. Awqaf Affairs.

Mr. Justice Greene, Chairman of the Committee of Administration of the above (created by a recent Defence Regulation) and Mr. A.L. Kirkbride, a member of that Committee, were admitted.

2. A draft letter to the Supreme Moslem Council, which had been prepared by the Committee of Administration, was submitted to the Officer Administering the Government in Council. The letter was designed to set out in detail the working relations between the Committee and the Supreme Moslem Council and the way in which the financial control entrusted to the Committee under the relevant Defence Regulation was to be exercised. The underlying idea was, while ensuring adequate control and no relaxation of the policy of Government control of the Supreme Moslem Council and Awqaf finances, to secure the utmost co-operation of the members of the Supreme Moslem Council and to enable them, so far as might be compatible with the above essentials, to save their faces in the eyes of the public.

2.

3. As a principle, the above was unanimously accepted by the Officer Administering the Government in Council: that is to say, the Supreme Moslem Council should be given such powers of administration as would enable them to save their faces while assuring to Government, through the Committee, the maintenance of adequate financial control.

4. That being so, it was thought that the means of giving effect to this policy was one of detail which could be left to the Attorney-General and Treasurer in consultation with Mr. Justice Greene and Mr. Kirkbride. It was decided that in its present form the draft letter before Council was not acceptable. The Attorney-General suggested that it might be held to go so far as virtually to repeal or nullify the Defence Regulation in question. He thought that it might be necessary to modify that Regulation by another authorising the Committee, with the approval of the High Commissioner, to delegate their powers in certain respects to the Supreme Moslem Council.

X

It was decided for the moment to leave the matter to the above named officers. His Excellency stated that it would be necessary for him to address the Secretary of State reporting what had been, and what was proposed to be done in connection with this whole subject, and that no definite action towards delegation could be taken without the Secretary of State's consent.

5. Mr. Justice Greene and Mr. Kirkbride withdrew.

CF/450/37

23 October, 1937.

ARABIC

Sir,

I am directed by the Officer
Administering the Government to acknowledge
the receipt of your letter to His Excellency
dated the 18th October, 1937 concerning the
Defence (Moslem Awqaf) Regulations, 1937.

I am,

Sir,

Your obedient servant,

(Signed) S. MOODY,

ACTING CHIEF SECRETARY.

Amin Eff. Tamimi,
Supreme Moslem Council Offices,
Jerusalem.

Drafted by	Mr. Shaw
Draft issued by	
Fair copy typed by	ST. 2410

سرف / ٤٥٠ / ٣٧

٢٣ تشرين الاول سنة ١٩٣٧

سعادة امين بك التميمي المحترم
المجلس الاسلامي الاعلى ، القدس .

اوخر الي القائم بادارة الحكومة ان اعلمكم
بوصول كتابكم المرفوع الي فخامته المعززة فسي
١٨ تشرين الاول سنة ١٩٣٧ بشأن نظام الدفاع
(الوقوف الاسلامية) لسنة ١٩٣٧ .

واقبلوا فائق الاحترام .

وكيل السكرتير العام

(Signed) S. MOODY

Inds

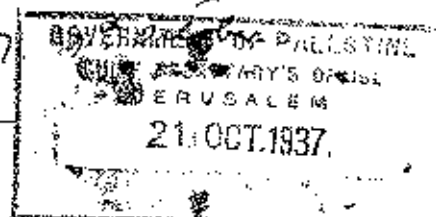
$\frac{A}{1}$

Reference to previous correspondence :-

45

Secretary of State's
~~Government~~

Telegram
Despatch No. 497



Palestine

Confidential

Downing Street,

October, 1937.

Sir,

I have the honour to transmit to you,

for your information, a copy of

the papers noted below on the subject of the system adopted
in Cyprus for dealing with the administration of Vagf
estates.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering

the Government of

Palestine

W. Grenville Gore

Date.	Description.
5th October, 1937 (Confidential (2))	To the Government of Cyprus.

C Y P R U S .CONFIDENTIAL.

(2)

Downing Street,

15 October, 1937.

Sir,

I have the honour to refer to your confidential despatch of 27th July, 1936, and connected correspondence on the subject of Evkaf administration, and to request that, in order to assist me in considering the position of the similar administration in Palestine, I may be supplied with a report upon the system adopted in Cyprus for dealing with the administration of Waqf estates. I hope that, with the aid of the report enclosed in your confidential despatch of 27th July, 1936, and other documents which are no doubt on record locally it will be possible for you, without great trouble, to supply me with a report which would be of assistance to the High Commissioner for Palestine.

2. I shall be obliged if you will arrange for a copy of your reply to be addressed to the Officer Administering the Government of Palestine, to whom a copy of this despatch is being sent.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(C. 100) W. ORMSBY GORE.

GOVERNOR,

SIR RICHMOND PALMER, K.C.M.G., C.B.E.

&c.,

&c.,

&c.

DRAFT

42a

Letter

~~Telegram~~

to SUPREME MOSLEM SHARIA COUNCIL.

~~Despatch~~

CONFIDENTIAL

(S.P. 2548-40,000-24-1-37)

*THIS WAS STOPPED
& eventually took
the form of BB*

Gentlemen,

Mr. A.L. Kirkbride has discussed with you the measures to be agreed upon with a view to enabling the Commission appointed under the Defence (Moslem Awqaf) Regulations, 1937, to direct that until further notice the Supreme Moslem Council should ~~continue to~~ administer and supervise the Moslem Awqaf ~~as in the past~~, subject to the reservation by the Commission of ^{ad hoc} certain powers which would enable them to fulfil their obligations towards Government, primarily in the matter of financial control, as the Commission appointed temporarily to supervise and control the affairs of the Moslem Awqaf in Palestine until circumstances permit of the setting up of a Moslem Department of Awqaf or other body to resume the control of the Awqaf.

2. The Commission understand that you are prepared to agree that all cheques or orders for sums in excess of £20 (twenty pounds) on the bank accounts held at Jerusalem in the name of the Awqaf or in the name of

DRAFT

Letter

Telegram to

Despatch

GDP. 2549-40,000-24-1-37

2.

the Supreme Moslem Council on behalf of the Awqaf, shall be countersigned on behalf of the Commission by Mr. A.L. Kirkbride.

I take this opportunity of enclosing for your information a copy of the letter which I have addressed to the Managers of the Arab Bank and the Arab Agricultural Bank on this subject.

The arrangements, if any, which may have to be ^{made} ~~met~~ in regard to bank accounts outside Jerusalem can be discussed later as this is a question of secondary importance in view of the fact that officers outside Jerusalem can only draw cheques to meet expenditure authorised under Financial Allocations and against vouchers approved at the Head Office of the Awqaf at Jerusalem.

3. It is also understood that all expenditure is governed by Financial Allocations and that you are prepared to agree to withhold the issue of any financial allocations for sums in excess of LP 20 (twenty

DRAFT

Letter

Telegram to

Despatch

G.P.P. 2648-40,000-24-1-87

3.

pounds) until they have been seen and agreed to by Mr. Kirkbride, subject to reference to the Commission for final decision in the event of a difference of opinion between you and Mr. Kirkbride.

The Commission's representative will
~~You have also agreed that~~
~~Mr. Kirkbride should~~ scrutinise all existing Financial Allocations and the Commission will wish to reserve the right ~~to call upon you~~ to withdraw or reduce the unexpended balance of any existing Financial Allocations should the Commission consider this essential.

4. As regards salaries which are covered by an allocation issued at the beginning of the year, the Commission would require that Mr. Kirkbride should see and approve all salary vouchers before they are passed for payment (and it is understood that you are prepared to accept this arrangement).

Similarly we should require that in so far as he deems it necessary Mr. Kirkbride should see all payment vouchers for sums in excess

DRAFT

Letter

Telegram to

Despatch

G.P.P. 2848-48,800-24-1-97

4.

of LR 20 (twenty pounds) before they are passed for payment.

In the event of a disagreement between you and Mr. Kirkbride the matter would be referred to the Commission for their decision.

~~7~~ 7. There remains the question of the appointment, dismissal and general discipline of Awqaf officials on which no definite agreement was reached between you and Mr. Kirkbride.

The Commission feel that they are bound to maintain some measure of control in this matter but they are anxious to meet your wish that this should be done without detracting too much from the prestige of the Supreme Moslem Council.

It would seem that the best solution would be that until further notice the Commission should only claim the prerogative of intervention in the case of Mamour'een Awqaf (including acting appointments) and posts of an equivalent or higher status.

As regards the means of ensuring the Commission's control in

1. You have also agreed that all matters involving expenditure from Awqaf funds should be approved by the Commission before they are finally constituted.

6. The final approval of the Awqaf authorities will rest with the Commission, but at the same time it is the first time that the Commission has been asked to exercise its power of approval in this matter. The Commission will be pleased to do the same as the Commission has approved.

DRAFT

Letter

Telegram to

Despatch

G.P.P. 2548-40.880-34-1-57

5.

the matter of these posts, it is felt that the most satisfactory arrangement would be for a Committee composed of two members of the Supreme Moslem Council and ^{a member} ~~Mr. Kirtle~~ on behalf of the Commission ~~of Control~~, should be set up to deal with all appointments, promotions, and disciplinary action including dismissal, affecting the posts referred to above or their holders.

Each member of this Committee would have the right to demand that in the event of disagreement the question under discussion be referred to the Commission ~~(of Control)~~ for final decision, and the Supreme Moslem Council and the Commission would both have the right to demand that a recommendation for the filling of any such post or for ^{disciplinary} ~~action~~ against the person holding or acting in one of these posts ~~should be placed before this Special Committee.~~

~~5.9.~~ Subject to your acceptance in writing of the arrangements set out in the preceding paragraphs of this letter the Commission would be

8. I should explain that although in the preceding § 5.9 Kirtle is the member of the Commission referred to by name, this will not preclude the Commission from delegating similar powers to any person serving on the Commission; and nothing in this letter should be interpreted as limiting the Commission's powers under the Defence (Moslem Armed) Regulations, 1937. ~~to appoint any person to any of these posts.~~

DRAFT

Letter

Telegram to

Despatch

G.P.P. 2848-40,000-34-1-57

7.

discipline of Awqaf officials holding the post of Mamour Awqaf or posts of an equivalent or higher status; the Supreme Moslem Sharia Council shall ^{administer + supervise} ~~continue~~ the ~~administration and supervision~~ of Moslem Awqaf affairs ^{in Palestine} ~~as in the past~~; ^{and} ~~to continue or to~~ bring all legal proceedings connected with Moslem Awqaf as a legal party.

The Commission further direct that the Supreme Moslem Sharia Council and the existing Awqaf Administration and its officers may and shall continue to demand and to receive all dues and revenues accruing to the Moslem Awqaf; and the Awqaf Administration and its officers ^{to the Commission} will be held responsible for the proper discharge of their duties, ^{including} the ^{receipts} safe custody ^{properly + acc. for} of all cash, funds, ^{and} securities ⁱⁿ and records in their charge ^{in accordance with}.

The ~~existing~~ Financial Instructions and Procedure relating to Moslem Awqaf ~~will be~~ ~~compiled with by all officers~~ concerned."

DRAFT

Letter

Telegram to

Despatch

G.P.P. 2648--50,000--24-1-37

6.

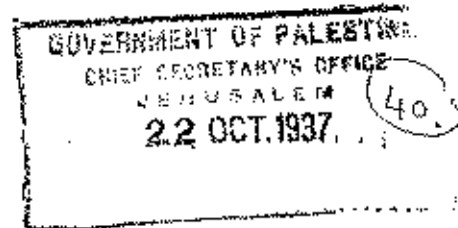
prepared to issue and publish the following Order:-

" By virtue of the powers vested in them by the Defence (Moslem Awqaf) Regulations, 1937, the Commission appointed by the Officer Administering the Government under those Regulations for the control and management of the Moslem Awqaf in Palestine until such time as circumstances permit of the setting up of a Moslem body to resume control of those Awqaf, hereby direct that until further notice the following powers shall be ^{delegated to} ~~vested in~~ the Supreme Moslem Sharia Council.

1. Subject to the arrangements agreed upon in writing between the Commission and the Supreme Moslem Sharia Council for the control and supervision of the financial affairs of the Moslem Awqaf and ~~the special arrangements agreed upon in regard to~~ ^{for} the setting up of a special Committee to deal with the appointment, dismissal and

entrusted

*Summarized below
in a note, and which have*



Confidential.

8th October, 1937.

My dear Battershill,

7th Oct: 1937.

400

I enclose copy of a letter which the Secretary of State has received from Lord Melchett on the subject of the Wakf accounts.

You will perhaps consider whether there is any action that could usefully be taken in the matter.

It is not clear from our records what has been the practice as to auditing the Wakf accounts, or how far they have been subject to periodical examination by Government auditors. It would be useful if you could let me have a line about this at your convenience.

1

Yours sincerely

J.R. Bucknigh

W.D. Battershill, Esq.,

COPY.

Mulberry House,

Smith Square, S.W.1.

PRIVATE & SECRET.

7th October, 1937.

My dear Ormsby Gore,

I have been informed upon reliable authority that if there were an audited investigation of the Wakf Accounts of the ex-Mufti, H.M.G. would be relieved of any embarrassment in regard to having to deal with him upon political charges, because he could be prosecuted without the slightest difficulty on the simple charge of defalcation. Of course, the source of my information would not be of the slightest use to H.M.G., nor am I in a position to disclose it.

I do not want to butt in, and what has been suggested to me may be for other reasons both impossible and even undesirable, but it did strike me as very important, and I felt it my duty to communicate it to you for better or for worse, to deal with as you in your wisdom and discretion, might think fit.

Yours sincerely,
(Sgd.) Melchett.

Rt.Hon. W.G.A. Orms-Gore, M.P.,
5 Mansfield Street,
W.1.

Code, Cypher
or Clear? ...Cypher...

39

7 C.S.O. 67.

TELEGRAM

Immediate

From

HIGH COMMISSIONER FOR PALESTINE.
TRANS-JORDAN.

To Secretary of State.

1 Despatched 21.10.37. 1.30 p.m.

G.P.P. 3003-6000-15-10-36

No.486 Secret.

Following for Shuckburgh. Begins.

Am advised that there is no evidence at the disposal of this Government on which even a prima facie case against person named could be established for malversation of the funds of the Awqaf. When copy of letter referred to in your telegram is received the Law Officers will reconsider in the light of any information contained therein; meanwhile I have called for report on this question from Awqaf Commission.

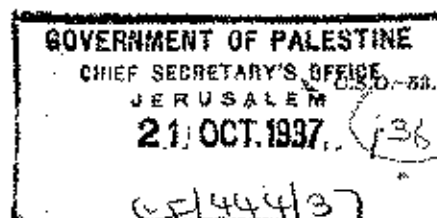
36

Your secret telegram No.526 refers.

Code, Cypher
or Clear? **Cypher**

NOT PARAPHRASED

TELEGRAM



J.1.

From **Secretary of State.**

To

IMMEDIATE

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

Despatched **20.10.37.**

Received **21.10.37. 02.30 hours.**

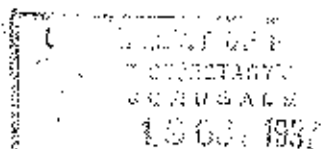
G.P.P. 2768-4000-10-7-37

No. 526 Secret

No. 3. Personal from Smuckburgh. Begins.

40
I sent you recently copy of a letter to the Secretary of State raising the question of proceedings against the Mufti on ground of malversation of Wafks. Similar suggestion has now been made to the Foreign Office from another quarter. Foreign Office point out that if prima facie case could be made out it might be possible to obtain his extradition from the French Government. Please telegraph your views ^{as} to whether action on these lines would be practicable. ends.

*This entry to
make any
forecast but
I doubt whether
it will be
possible to
get anything
concrete. !!!*



Supreme Moslem Council,
Jerusalem.

18th October, 1937.

His Excellency,
The Officer Administering the Government,
Government Offices,
Jerusalem.

Your Excellency,

In view of the fact that Government has issued Regulations entitled "Defence (Moslem Awqaf) Regulations, empowering it to order that the Supreme Moslem Council shall cease to manage and control Moslem Awqaf, according to the terms of the Council's Regulations and to entrust such control and management, temporarily, to another Committee to be formed by Government, composed of British Chairman and member, and an Arab member,

We, therefore, members of the said Council, being responsible towards the Moslems in matters affecting their religious affairs, cannot but express, through this note, the resentment which has overwhelmed the Moslems at such severe measures which are being taken against them, and which show that their existence, even in religious matters which come within their jurisdiction, is being ignored, and deprives them of the right of continuing to administer their Moslem Awqaf, according to their Sharia Law.

With highest respects,

(Sgd) Amin Tamimi,
Member.

Amin Abdul Hadi,
Member.

Abdul Rahman Nafez Al-Taji,
Member.

Muhyil Deen,
Member.

العنوان البرقي : المجلس الاسلامي القدس
صندوق البريد : ٥١٧
التلفون : ٢٧٧ و ٢٧٨

العدد
الرقم
التاريخ
١٣٥٦ ش ١٢
١٨ تشرين الاول ١٩٣٨

GOVERNMENT OF PALESTINE
CHIEF SECRETARY'S OFFICE
JERUSALEM
L.S. 031.1937.

المجلس الاسلامي

الفرس الشريف

فخامة القائم بآدارة الحكومة المحترم

دوائر الحكومة - القدس

بمناسبة ان الحكومة مسنت نظاما باسم نظام الدفاع
(الاوقاف الاسلامية) يخولها ايقاف المجلس الاسلامي
عن القيام بآدارة ومراقبة الاوقاف الاسلامية كما هو مقتضى
قانون المجلس وايداع ذلك موقتا للجنة اخرى تولفها الحكومة
من رئيس وعضو انكليزيين وعضو عربي .
فنحن اعضاء المجلس المشار اليه بصفتنا مسؤولين امام
المسلمين فيما يختص بشؤونهم الدينية لا يسعنا الا ان نعبر
بمذكرتنا هذه عن استياء المسلمين البالغ من نفوسهم مبلغه
مما يشهد ضد هم من اجراءات قاسية كهذه تشمرهم بعد م
المبالاة بوجودهم حتى في اختصاصاتهم الدينية وتسلبهم
حق الدوام على القيام بآدارة اوقافهم الاسلامية طبق
قانونها الشرعي .
هذا ونفضلوا بقبول فائق الاحترام

عضو المجلس
عضو المجلس
عضو المجلس
عضو المجلس



The Palestine Gazette

Published by Authority

No. 731

MONDAY, 18TH OCTOBER, 1937

GAZETTE
EXTRAORDINARY

CONTENTS

Page

SUPPLEMENT No. 2.

The following subsidiary legislation is published in Supplement No. 2 which forms part of this Gazette:—

Appointment of Commission for the Control and Management of the Finances of the Moslem Awqaf in Palestine, under the Defence (Moslem Awqaf) Regulations, 1937 - 976



Supplement No. 2
to the
Palestine Gazette Extraordinary No. 751 of 18th October, 1937.

APPOINTMENT OF COMMISSION.

UNDER THE DEFENCE (MOSLEM AWQAF) REGULATIONS, 1937.

In accordance with the provisions of the Defence (Moslem Awqaf) Regulations, 1937, the Officer Administering the Government hereby appoints a Commission to be composed of the undermentioned officers for the control and management of the finances of the Moslem Awqaf in Palestine.

Chairman : His Honour MR. JUSTICE GREENE, Puisne Judge.

Members : SHEIKH HUSSAM ED DIN EFF. JARALLAH,
MR. A.L. KIRKBRIDE, O.B.E.

By His Excellency's Command,

18th October, 1937.

S. MOODY
Acting Chief Secretary.

18 October, 1937.

DIRECTOR OF EDUCATION.

I am directed to confirm my conversation with you on the 16th October concerning the selection of Sheikh Hussam ed Din Eff. Jarallah to serve as a member of the Commission appointed by the Officer Administering the Government under the Defence (Moslem Awqaf) Regulations, 1937, to control and manage the finances of the Moslem Awqaf in Palestine; and to request that you will be so good as to cause the letter enclosed herein to be delivered to Sheikh Hussam ed Din as soon as possible.

(dpt) J. Moody

ACTING CHIEF SECRETARY.

FOR ARABIC.

18 October, 1937.

Sir,

I am directed by the Officer Administering the Government to confirm the intimation conveyed to you orally on the 16th October, 1937, that the Officer Administering the Government requires you to serve as a member on the Commission appointed by His Excellency under the Defence (Moslem Awqaf) Regulations, 1937, to control and manage the financial affairs of the Moslem Awqaf in Palestine.

I enclose a copy of the Defence (Moslem Awqaf) Regulations, 1937, and a copy of the Communiqué issued by Government on this subject.

You will observe that this is a temporary measure designed to ensure the proper administration of the financial affairs of the Moslem Awqaf until circumstances are favourable for the setting up of a Moslem Awqaf Department or other body to resume control of these Awqaf.

I am to add that the Commission will have no jurisdiction over the affairs of the Moslem Sharia Courts and will be entirely distinct from the Supreme Moslem Council.

In conclusion I am to explain that while serving as a member of the Commission you will continue

Sheikh Hussam ed Din Eff. Jarallah,
Thro' the Director of Education,
JERUSALEM.

to hold your present appointment in the Department of Education and to discharge the duties of that post.

I am,

Sir,

Your obedient servant,

(Sgd.) S. Moody

ACTING CHIEF SECRETARY.

١٨ تشرين الاول سنة ١٩٣٧

فضيلة الشيخ حسام الدين افندي جارالله المحترم
بواسطة مدير المعارف ، القدس .

او عز الي القائم بادارة الحكومة ان اريد ما بلغته لكم شفويا
في اليوم السادس عشر من شهر تشرين الاول سنة ١٩٣٧ من ان
القائم بادارة الحكومة يكلفكم بالعمل كعضو في اللجنة التي عينها
فخامته بمقتضى نظام الدفاع (الاقواف الاسلامية) لسنة ١٩٣٧ ، لمراقبة
وادارة الشؤون المالية للاوقاف الاسلامية في فلسطين .
واني ابحت لفضيلتكم طيه بنسخة من نظام الدفاع (الاقواف الاسلامية)
لسنة ١٩٣٧ وبنسخة من البلاغ الذي اصدرته الحكومة بهذا الصدد .
انكم تلاحظون ان هذا التدبير هو تدبير مؤقت ، يرمي الى تأمين
حسن ادارة الشؤون المالية للاوقاف الاسلامية الى ان تصبح الظروف
ملائمة لتشكيل دائرة اوقاف اسلامية او هيئة اخرى ، تستأنف المراقبة على
هذه الاوقاف .
وقد كلفت ان اضيف الي ما تقدم ان اللجنة لن تكون لها صلاحية
الانصراف على المحاكم الشرعية وستكون منفصلة بالمرّة عن المجلس الاسلامي
الاعلى .
وفي الختام اود ان ابين لكم انكم اثناء قيامكم بمهام عضوية هذه
اللجنة ، تظلون في وظيفتكم الحالية في دائرة المعارف / ^{وتستمررون على} ااداء واجبات
تلك الوظيفة .

واقبلوا فائق الاحترام .

(Signed) S. MOODY

وكيل السكرتير العام

Appointment of Commission
under the Defence (Moslem Awqaf) Regulations, 1937.

In accordance with the provisions of the
Defence (Moslem Awqaf) Regulations, 1937, the
Officer Administering the Government hereby
appoints a Commission to be composed of the
undermentioned officers for the control and
management of the finances of the Moslem Awqaf
in Palestine.

- Chairman: His Honour Mr. Justice Greene,
Puisne Judge.
- Members : Sheikh Hussam ed Din Eff. Jarallah.
Mr. A.L. Kirkbride, O.B.E.

By His Excellency's Command,


ACTING CHIEF SECRETARY.

18th October, 1937.

סג"י ועדה עמ"י תקנות ההגנה (הווקף המושלימי), 1937.

1

בהתאם להוראות תקנות ההגנה (הווקף המושלימי), 1937,

מסוג כזה מנחל עניני הממשלה ועדה שחאה מורכבת מהפקידים דלקמן
כדי למקח על עניני הכספים של הווקף המושלימי במלשתינה (א"י) לנחלתם:

יו"ר: מעלה בכורו השופט העליון גרין, שופט בבית המשפט העליון.
חברים: שיך חוסאם אל דיין אפי ג'ראלה.
מר א.ל. קירקבריד.

במקדח חור מעלתו

ס. סורי

ס"ם המוכיר הראשי.

אוקטובר, 1937.

On the 16th October the A/C.S. interviewed Sheikh Hussam eddin Jarallah and informed him of Government's decision to appoint a Commission to control and manage the finances of the Moslem Awqaf until circumstances permit of a Moslem Awqaf Department resuming control of the Awqaf finances; and that His Excellency hoped that the Sheikh would serve on it.

2. It was explained to Sheikh Hussam ed-din that this did not entail his serving on the S.M.C. but that he would be a member on a new Commission in whom the authority in Awqaf financial affairs would now vest. It was also explained to him that the Commission would have no jurisdiction over Sharia Courts nor would it interfere with the status or rights of the Awqaf.

In answer to an enquiry by Sheikh Hussam ed-din, he was assured that his present appointment would not be affected and that while serving on the Commission which was set up as a temporary measure, he would receive additional emoluments.

3. The interview was conducted on a friendly and helpful basis and Sheikh Hussam ed-din asked for permission to consult Mr. Farrell and reply not later than 17th October. This was agreed.

4. It was also agreed that the points covered in paragraph 2 above should be explained in the letter of appointment which will be addressed to him if he agrees to serve on the Commission as the Moslem Adviser and expert on Moslem Law.

He was informed that the Chairman would be Mr. Justice Greene and the other member Mr. A. L. Kirkbride.

On the 16th October the A/c. S interviewed Sheikh Hussam ed Din Javallah and informed him of Govt's decision to appoint a Commission to control and manage the finances of the Moslem Awqaf until circumstances permit of a Moslem Awqaf Dept. resuming control of the Awqaf finances; & that it is hoped that the Sheikh would serve on it.

2. It was explained to Sheikh Hussam ed Din that this did not entail his serving on the S.M.C. but that he would be a member on a new Commission in whom the authority in Awqaf financial affairs would now rest. It was also explained to him that the Commission would have no jurisdiction over Sharia Courts nor would it interfere with the status or rights of the Awqaf.

In answer to an enquiry by Sheikh Hussam-ed-Din, he was assured that his present appointment would not be affected & that while serving on the Commission which was set up as a temporary measure, he would receive additional emoluments.

3. The interview was conducted on a friendly & helpful basis & Sheikh Hussam ed Din asked for permission to consult Mr Farnell & reply not later than 17th October. This was agreed.

4. It was also agreed that the points covered in § 2 above should be explained in the letter of appointment which will be addressed to him if he agrees to serve on the Commission as the Moslem Adviser & expert on Moslem law.

He was informed that the Chairman would be Mr Justice Greene & the other members Mr A. L. Hiskins.

10/11/37
17.10.37

Approved
by
15.10

2/10/18. (54) 18.10

I have spoken to Mr Kirkbride regarding the time table for zero day in so far as concerns

- (a) His visits to the S.M.C.
- (b) Mr Patons visit to the Arab Bank.
- (c) The publication of the Communiqué
- (d) The publication of the Gazette.

Code, Cypher
or Clear? Code.

27
U.S.O. 87.

TELEGRAM

From

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

Despatched

16.10.37.

To Beirut
Baghdad, Alexandria, ~~Baghdad~~
Jeddah and Damascus.

GPI. 2002-6000-15-10-30

No. 173.

The following is text of Official Communique issued by me today. Begins.

As a result of the recent murder campaign culminating in the murder of Mr. Andrews of the 26th September, Government has taken a number of steps as announced in Official Communique of the 1st October.

One of these steps was the depriving of the Mufti of Jerusalem of the membership of the General Wakf Committee of which he was the Chairman.

It has therefore become necessary to take immediate measures to safeguard the interests of the Moslem Community by ensuring the continuance of Awkaf Services. These measures will be of a temporary nature until such time as circumstances are favourable for the establishment of a Moslem Wakf Department or other body to resume control of these awkaf.

In the meantime, it is the intention of Government to take over the duties of the financial control previously exercised by the Supreme Moslem Council or the General Wakf Committee in the matter of the collection of awkaf revenues and the payment of salaries of awkaf staff and for awkaf services which have in the past been directly dealt with by the Supreme Moslem Council or the General Wakf Committee or through local Mamours.

It is proposed to administer the Awkaf temporarily by a Commission of three members. The

Code, Cypher
or Clear?.....

C.S.O. 67.

TELEGRAM

From

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

To

Despatched

GPP. 2002-6000-15-10-36

- 2 -

Chairman of the Commission will be a Judicial Officer.
The names of the Chairman and of the two members will
be announced in due course.

The Officer Administering the Government
desires to emphasise that the Awkaf services will be
carried out strictly in accordance with the law and for
the benefit of the objects for which they were founded.
ends.

CE/450/37.

16 October, 1937.

Sir,

In confirmation of my conversation with Amin Bey Tamisi and Amin Bey Abdel Hadi I am directed by the Officer Administering the Government to inform you that under the Defence (Moslem Awqaf) Regulations, 1937, which were issued to-day His Excellency has deemed it expedient to appoint a Commission for the control and management of the finances of the Moslem Awqaf in Palestine. I enclose a copy of the Regulations.

2. The Chairman of the Commission will be His Honour Mr. Justice Greene, Puisne Judge and Mr. A.L. Kirkbride will be a member. The nomination of the second member will be notified when the Commission are formally appointed on the 18th October.

3. I am to explain that in appointing this Commission the Officer Administering the Government was guided by the necessity for making arrangements for the continuation of the administration of the finances of the Awqaf until such time as circumstances are favourable for the establishment of a Moslem Awqaf Department or other body to resume control of these Awqaf.

4. I am to say that His Excellency is confident that you will render every assistance in your power to the

SHEIKH

MUHIEDDIN ABDUL SHAFI,

MEMBER, SUPREME MOSLEM COUNCIL.

Commission and that you will advise the officials of the Awqaf Department at Jerusalem and elsewhere to co-operate with the Commission in the interests of the Moslem Community.

5. In conclusion I am to confirm the arrangement made this morning in accordance with which Mr. A.L. Kirkbride will visit you and the other members of the Suprem Moslem Council at the offices of the Council on Monday the 18th October at a time to be arranged by you for the purpose of discussing the detailed arrangements to be made to enable the Commission to fulfill their duties.

I am,

Sir,

Your obedient servant,

(Signed) S. MOODY

ACTING CHIEF SECRETARY.

١٦ تشرين الاول سنة ١٩٣٧

فضيلة الشيخ محي الدين افندي عبد النافي المحترم
عضو المجلس الاسلامي الاعلى .

تأييدا للمحادثة التي جرت صباح اليوم بيني وبين امين بك الشيعي وامين بك
عبد الهادي ، اوعزالي القائم بادارة الحكومة ان اعلمكم ان فخامتكم قد وجد من
العلام ان يعين لجنة لمراقبة وادارة الاوقاف الاسلامية في فلسطين بمقتضى نظام
الدفاع (الاوقاف الاسلامية) لسنة ١٩٣٧ واني ابعت اليكم بنسخة من النظام الذي
ستعين اللجنة بموجبه .

٢ . وسيكون سعادة القاضي كرين ، احد قضاة المحكمة العليا ، رئيس اللجنة
والمسترا ل . ل . كركبرايد عضوا من اعضائها . اما تعيين العضو الثاني فسيعلن
عندما يتم تعيين اللجنة رسميا يوم الاثنين الواقع في ١٨ تشرين الاول .

٣ . وقد رغب الي ان اوضح لكم ان القائم بادارة الحكومة كان مسوقا في تعيينه
هذه اللجنة بضرورة اجراء الترتيبات لاستمرار ادارة الشؤون المالية للاوقاف الى ان
تحين الظروف الملائمة لتشكيل دائرة للاوقاف الاسلامية او هيئة اخرى تتولى مراقبة
هذه الاوقاف .

٤ . وقد كلفت ان اقول ان فخامتكم على ثقة بانكم ستبدلون كل ما في وسعكم
من المساعدة للجنة ، وانكم ستشيدون على موظفي دائرة الاوقاف في القدس وفي
سائر الجهات بلزوم التعاون مع اللجنة حرصا على مصلحة الطائفة الاسلامية .

٥ . وفي الختام ، اني اؤيد الترتيب الذي تم هذا الصباح والذي بموجبه سيقوم
مسترا ل . ل . كركبرايد صباح يوم الاثنين الواقع في ١٨ تشرين الاول بزيارة حضرتكم
وسائر حضرات اعضاء المجلس الاسلامي الاعلى في مكتب المجلس في الساعة التي تعيّنوها
لبحث في تفاصيل الترتيبات الواجب اتخاذها لتمكين اللجنة من اداء واجباتها .

واقبلوا فائق الاحترام .
(Signed) A. MOODY

وكيل السكرتير العام

CF/460/37.

16 October, 1937.

Sir,

In confirmation of my conversation with Amin Bey Tamimi and Amin Bey Abdel Nadi I am directed by the Officer Administering the Government to inform you that under the Defence (Moslem Awqaf) Regulations, 1937, which were issued to-day His Excellency has deemed it expedient to appoint a Commission for the control and management of the finances of the Moslem Awqaf in Palestine. I enclose a copy of the Regulations. ~~xxxxxx the notice of the appointment of the Commission~~

2. The Chairman of the Commission will be His Honour Mr. Justice Greene, Puisne Judge and Mr. A.L. Kirkbride will be a member. The nomination of the second member will be notified when the Commission are formally appointed on the 18th October.

3. I am to explain that in appointing this Commission the Officer Administering the Government was guided by the necessity for making arrangements for the continuation of the administration of the finances of the Awqaf until such time as circumstances are favourable for the establishment of a Moslem Awqaf Department or other body to resume control of these Awqaf.

4. I am to say that His Excellency is confident that you will render every assistance in your power to the

ABDUL RAHMAN BEY TAJI,
MEMBER, SUPREME MOSLEM COUNCIL.

Commission and that you will advise the officials of the Awqaf Department at Jerusalem and elsewhere to co-operate with the Commission in the interests of the Moslem Community.

5. In conclusion I am to confirm the arrangement made this morning in accordance with which Mr. A.L. Kirkbride will visit you and the other members of the Supreme Moslem Council at the offices of the Council on Monday the 18th October at a time to be arranged by you for the purpose of discussing the detailed arrangements to be made to enable the Commission to fulfill their duties.

I am,

Sir,

Your obedient servant,

(Sd/-) S. HODGE

ACTING CHIEF SECRETARY.

١٦ تشرين الاول سنة ١٩٣٧

سعادة عبد الرحمن بك التاجي المحترم
عضو المجلس الاسلامي الاعلى .

تأييدا للمحادثة التي جرت صباح اليوم بيني وبين امين بك التميمي وامين بك عبد الهادي ، اوعز الي القائم بادارة الحكومة ان اطلعكم ان فخاسته قد وجد من الملائم ان يعين لجنة لمراقبة وادارة الاوقاف الاسلامية في فلسطين بمقتضى نظام الدفاع (الاوقاف الاسلامية) لسنة ١٩٣٧ واني ابعث اليكم بنسخة من النظام الذي شعين اللجنة بموجبه .

٢ . وسيكون سعادة القاضي كرين ، احد قضاة المحكمة العليا ، رئيس اللجنة والمستر ا . ل . كركبرايد عضوا من اعضائها . اما تعيين العضو الثاني فسيعلن عندما يتم تعيين اللجنة رسميا يوم الاثنين الواقع في ١٨ تشرين الاول .

٣ . وقد رغب الي ان اوضح لكم ان القائم بادارة الحكومة كان مسوقا في تعيينه هذه اللجنة بضرورة اجراء الترتيبات لاستمرار ادارة الشؤون المالية للاوقاف الي ان تحين الظروف الملائمة لتشكيل دائرة للاوقاف الاسلامية او هيئة اخرى تتولى مراقبة هذه الاوقاف .

٤ . وقد كلفت ان اقول ان فخاسته على ثقة بانكم ستبدلون كل ما في وسعكم من المساعدة للجنة ، وانكم ستشيرون على موظفي دائرة الاوقاف في القدس وفي سائر الجهات بلزوم التعاون مع اللجنة حرصا على مصلحة الطائفة الاسلامية .

٥ . وفي الختام ، اني اؤكد الترتيب الذي تم هذا الصباح والذي بموجبه سيقوم مستر ا . ل . كركبرايد صباح يوم الاثنين الواقع في ١٨ تشرين الاول بزيارة حضرتكم وسائر حضرات اعضاء المجلس الاسلامي الاعلى في مكتب المجلس في الساعة التي تعينونها للبحث في تفاصيل الترتيبات الواجب اتخاذها لتمكين اللجنة من اداء واجباتها .

(Signed) S. MOODY

واتبلوا فائق الاحترام .

وكيل السكرتير العام

CF/450/37.

16 October, 1937.

Sir,

In confirmation of my conversation with you this morning I am directed by the Officer Administering the Government to inform you that under the Defence (Moslem Awqaf) Regulations, 1937, which were issued to-day His Excellency has deemed it expedient to appoint a Commission for the control and management of the finances of the Moslem Awqaf in Palestine. I enclose a copy of the Regulations, ~~and of the notice of the appointment of the Commission.~~

2. The Chairman of the Commission will be His Honour Mr. Justice Greene, Puisne Judge and Mr. A.L. Kirkbride will be a member. The nomination of the second member will be notified when the Commission are formally appointed on the 18th October.

3. I am to explain that in appointing this Commission the Officer Administering the Government was guided by the necessity for making arrangements for the continuation of the administration of the finances of the Awqaf until such time as circumstances are favourable for the establishment of a Moslem Awqaf Department or other body to resume control of these Awqaf.

4. I am to say that His Excellency is confident that you will render every assistance in your power to

AMIN BEY TANIMI
MEMBER, SUPREME MOSLEM COUNCIL.

the Commission and that you will advise the officials of the Awqaf Department at Jerusalem and elsewhere to co-operate with the Commission in the interests of the Moslem Community.

5. In conclusion I am to confirm the arrangement made this morning in accordance with which Mr. A.L.Kirkbride will visit you and the other members of the Supreme Moslem Council at the offices of the Council on Monday the 18th October at a time to be arranged by you for the purpose of discussing the detailed arrangements to be made to enable the Commission to fulfill their duties.

I am,

Sir,

Your obedient servant,

(Signed) S. MOODY

ACTING CHIEF SECRETARY.

١٦ تشرين الاول سنة ١٩٣٧

سعادة امين بك التميمي المحترم
عضو المجلس الاسلامي الاعلى .

تأييدا للمحادثة التي جرت بيننا صباح اليوم ، اوعزالي القائم بادارة
الحكومة ان اعلمكم ان فخامته قد وجد من الملائم ان يحين لجنة لمراقبة
وادارة الاوقاف الاسلامية في فلسطين بمقتضى نظام الدفاع (الاوقاف الاسلامية)
لسنة ١٩٣٧ واني ابعث اليكم بنسخة من النظام الذي ستمين اللجنة بموجبه .

٢ . وسيكون سعادة القاضي كرين ، احد قضاة المحكمة العليا ، رئيس اللجنة
والمستر ا . ل . كركبرايد عضوا من اعضائها . اما تعيين العضو الثاني فسيعلن
عندما يتم تعيين اللجنة رسميا يوم الاثنين الواقع في ١٨ تشرين الاول .

٣ . وقد رغب الي ان اوضح لكم ان القائم بادارة الحكومة كان سوفا في
تعيينه هذه اللجنة بضرورة اجراء الترتيبات لاستمرار ادارة الشؤون المالية للاوقاف
الى ان تحين الظروف الملائمة لتشكيل دائرة للاوقاف الاسلامية او هيئة اخرى تتولى
مراقبة هذه الاوقاف .

٤ . وقد كلفت ان اقول ان فخامته على ثقة بانكم ستبدلون كل ما في وسعكم
من المساعدة للجنة ، وانكم ستشيرون على موظفي دائرة الاوقاف في القدس وفي سائر
الجهات بلزوم التعاون مع اللجنة حرصا على مصلحة الطائفة الاسلامية .

٥ . وفي الختام ، اني اميد الترتيب الذي تم هذا الصباح والذي بموجبه سيتم
مسترا ا . ل . كركبرايد صباح يوم الاثنين الواقع في ١٨ تشرين الاول بزيارة حضرتكم
وسائر حضرات اعضاء المجلس الاسلامي الاعلى في مكتب المجلس في الساعة التي
تعييّنوها للبحث في تفاصيل الترتيبات الواجب اتخاذها لتمكين اللجنة من اداء واجباتها .
واقبلوا فائق الاحترام .

(Signed) S. MOODY

وكيل السكرتير العام

CF/450/37.

16 October, 1937.

Sir,

In confirmation of my conversation with you this morning I am directed by the Officer Administering the Government to inform you that under the Defence (Moslem Awqaf) Regulations, 1937, which were issued to-day His Excellency has deemed it expedient to appoint a Commission for the control and management of the finances of the Moslem Awqaf in Palestine. I enclose a copy of the Regulations, ~~and of the notice of the appointment of the Commission.~~

2. The Chairman of the Commission will be His Honour Mr. Justice Greene, Puisne Judge and Mr. A.L. Kirkbride will be a member. The nomination of the second member will be notified when the Commission are formally appointed on the 18th October.

3. I am to explain that in appointing this Commission the Officer Administering the Government was guided by the necessity for making arrangements for the continuation of the administration of the finances of the Awqaf until such time as circumstances are favourable for the establishment of a Moslem Awqaf Department or other body to resume control of these Awqaf.

4. I am to say that His Excellency is confident that you will render every assistance in your power to

AMIN BEY ABDEL HADI,
MEMBER, SUPREME MOSLEM COUNCIL.

the Commission and that you will advise the officials of the Awqaf Department at Jerusalem and elsewhere to co-operate with the Commission in the interests of the Moslem Community.

5. In conclusion I am to confirm the arrangement made this morning in accordance with which Mr. A.L. Kirkbride will visit you and the other members of the Supreme Moslem Council at the offices of the Council on Monday the 18th October at a time to be arranged by you for the purpose of discussing the detailed arrangements to be made to enable the Commission to fulfill their duties.

I am,

Sir,

Your obedient servant,

(Signed) S. MOODY

ACTING CHIEF SECRETARY.

١٦ تشرين الاول سنة ١٩٣٧

سعادة امين بك، عبد الهادي المحترم
عضو المجلس الاسلامي الاعلى .

تأييدا للمحادثة التي برت بيننا صباح اليوم ، اوجز الي القائم بإدارة
الحكومة ان اطلعكم ان فخامته قد وجد من اللازم ان يعين لجنة لمراقبة
وإدارة الاوقاف الاسلامية في فلسطين بمقتضى نظام الدفاع (الاوقاف الاسلامية)
لسنة ١٩٣٧ واني ابعث اليكم بنسخة من النظام الذي ستعين اللجنة بموجبه .

٢ . وسيكون سعادة القاضي كرين ، احد قضاة المحكمة العليا ، رئيس اللجنة
والسترا . ل . كركبرايد عضوا من اعضائها . اما تعيين العضو الثاني
فسيعلم عندما يتم تعيين اللجنة رسميا يوم الاثنين الواقع في ١٨ تشرين الاول .

٣ . وقد رغب الي ان اوضح لكم ان القائم بإدارة الحكومة كان موافقا في
تعيينه هذه اللجنة بضرورة اجراء الترتيبات لاستمرار ادارة الشؤون المالية للاوقاف
الى ان تحين الظروف الملائمة لتشكيل دائرة للاوقاف الاسلامية او هيئة اخرى تتولى
مراقبة هذه الاوقاف .

٤ . وقد كلفت ان اقول ان فخامته على ثقة بانكم ستبدلون كل ما في وسعكم
من المساعدة للجنة ، وانكم ستشيرون على موظفي دائرة الاوقاف في القدس وفي
سائر الجفات بلزيم التعاون مع اللجنة حرصا على مصلحة الطائفة الاسلامية .

٥ . وفي الختام ، اني اؤيد الترتيب الذي تم هذا الصباح والذي بموجبه سيقوم
سترا . ل . كركبرايد صباح يوم الاثنين الواقع في ١٨ تشرين الاول بزيارة حضرتكم
وكم حضرات اعضاء المجلس الاسلامي الاعلى في مكتب المجلس في الساعة التي تعينوها
للبحث في تفاصيل الترتيبات الواجب اتخاذها لتمكين اللجنة من اداء واجباتها .

(Signed) G. M. C. C. Y.

واقبلوا غائق الاحترام .

وكيل السكرتير العام

OFFICIAL COMMUNIQUE NO. 18/37.16th October, 1937.
- - - - -

As a result of the recent murder campaign culminating in the murder of Mr. Andrews of the 26th September, Government has taken a number of steps as announced in Official Communiqué No. 16/37 of the 1st October.

One of these steps was the depriving of the Mufti of Jerusalem of the membership of the General Wakf Committee of which he was the Chairman.

It has therefore become necessary to take immediate measures to safeguard the interests of the Moslem Community by ensuring the continuance of Awkaf services. These measures will be of a temporary nature until such time as circumstances are favourable for the establishment of a Moslem Wakf Department or other body to resume control of these awkaf.

In the meantime, it is the intention of Government to take over the duties of the financial control previously exercised by the Supreme Moslem Council or the General Wakf Committee in the matter of the collection of awkaf revenues and the payment of the salaries of awkaf staff and for awkaf services which have in the past been directly dealt with by the Supreme Moslem Council or the General Wakf Committee or through local Mamours.

It is proposed to administer the Awkaf temporarily by a commission of three members. The Chairman of the Commission will be a Judicial Officer. The names of the Chairman and the two members will be announced in due course.

The Officer administering the Government desires to emphasize that the Awkaf services will be carried out strictly in accordance with the law and for the benefit of the objects for which they were founded.



The Palestine Gazette

Published by Authority

No. 730

SATURDAY, 16TH OCTOBER, 1937

GAZETTE
EXTRAORDINARY

CONTENTS

Page

SUPPLEMENT No. 2.

The following subsidiary legislation is published in Supplement No. 2 which forms part of this Gazette:—

Defence (Moslem Awkaf) Regulations, 1937, under the Palestine (Defence) Order in Council, 1937

973



Supplement No. 2

to the

Palestine Gazette Extraordinary No. 750 of 16th October, 1937.

PALESTINE (DEFENCE) ORDER IN COUNCIL, 1937.

REGULATIONS MADE BY THE OFFICER ADMINISTERING THE GOVERNMENT UNDER
ARTICLES 8 AND 10.

1. These Regulations may be cited as the Defence (Moslem Awkaf) Regulations, 1937, and shall be read as one with the Emergency Regulations, 1936.

2. Notwithstanding anything to the contrary in the Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921, or any other law, the High Commissioner may by notice in the Gazette appoint a commission to be composed of a chairman and two members to control and manage the Moslem Awkaf. If the chairman shall be incapable of so acting at any time for any cause whatsoever, the High Commissioner may appoint any other member of the commission or any other person as acting chairman during the incapacity of the chairman. The High Commissioner may appoint persons to act as members during casual vacancies caused by illness or absence. The commission shall be deemed to be competent to conduct business if at any meeting one member in addition to the chairman or acting chairman is present. In case of an equality of votes the chairman shall have a casting vote.

3. From the date of such notice the Supreme Moslem Sharia Council and the General Awkaf Committee shall cease to control, manage or intervene in Awkaf affairs except as the commission may direct or to exercise any of the powers vested in them by the above mentioned Regulation or any other law for the purpose of controlling or managing Moslem Awkaf.

4. As and from the date of such notice all funds, cash, securities and deposits appertaining to or deposited on behalf of or vested in the Supreme Moslem Council or the General Awkaf Committee on behalf of Moslem Awkaf shall be transferred to and vested in the commission.

5. The commission shall have all or any of the powers vested in the Supreme Moslem Sharia Council and the General Wakf Committee by the Supreme Moslem

Sharia Council Regulation dated the 20th day of December, 1921 and the Supreme Moslem Sharia Council Ordinance, 1926, for the purpose of controlling and managing the Moslem Awkaf funds, cash, securities and deposits aforesaid. In particular they shall have the power :—

- (a) To require all persons indebted to the Awkaf to pay the amount of such debt to the commission or to such person as may be authorised in writing by the commission to receive it.
 - (b) To give receipts or discharges in respect of all sums receivable or payable by the Awkaf.
 - (c) To inspect either themselves or by a person nominated by them all documents of title books or other financial records or documents of any description dealing with Moslem Awkaf affairs and to require the production of such books or documents and all such explanations or any information from persons in charge thereof as they may deem necessary for the discharge of their powers and duties and for this purpose they may enter if need be by force any premises or place where they have reason to believe such records books or documents may be kept.
6. The commission may appoint such persons as they deem fit to advise them in the discharge of their powers duties under these Regulations.
7. All Awkaf accounts administered by the commission shall be subject to audit by an auditor to be nominated by the High Commissioner.
- 8.—(i) If any person contravenes or abets the contravention of or otherwise fails to comply with any of the provisions of these Regulations or any order, rule or direction made or given thereunder or is guilty of any offence against these Regulations, notwithstanding anything contained therein he may be tried under the provisions of the Magistrates' Courts Jurisdiction Ordinance, 1935, and if convicted shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both such imprisonment and fine, and notwithstanding anything contained in the Trial Upon Information Ordinance, 1924-1935, any such person may be tried upon information, and when so tried shall upon conviction be liable to a penalty of three years imprisonment or a fine of two hundred pounds or both.
- (ii) Where the person guilty of any such offence is a corporation, company or society, any director, officer or trustee, or other person concerned with the management thereof, shall be guilty of the like offence unless he proves that the offence was committed without his knowledge or consent.
9. The Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921,, and the Supreme Moslem Sharia Council Ordinance, 1926, are hereby amended accordingly.

By His Excellency's Command,

S. MOODY

Acting Chief Secretary.

16th October, 1937.

PALESTINE (DEFENCE) ORDER IN COUNCIL, 1937.

Regulations made by the Officer Administering
the Government under articles 6 and 10.

- W. 9. J.
1. These Regulations may be cited as the Defence (Moslem Awkaf) Regulations, 1937 and shall be read as one with the Emergency Regulations, 1936.
 2. Notwithstanding anything to the contrary in the Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921, or any other law, the High Commissioner may by notice in the Gazette appoint a commission to be composed of a chairman and two members to control and manage the Moslem Awkaf. If the chairman shall be incapable of so acting at any time for any cause whatsoever, the High Commissioner may appoint any other member of the commission or any other person as acting chairman during the incapacity of the chairman. The High Commissioner may appoint persons to act as members during casual vacancies caused by illness or absence. The commission shall be deemed to be competent to conduct business if at any meeting one member in addition to the chairman or acting chairman is present. In case of an equality of votes the chairman shall have a casting vote.
 3. From the date of such notice the Supreme Moslem Sharia Council and the General Awkaf Committee shall cease to control, manage or intervene in Awkaf affairs except as the commission may direct or to exercise any of the powers vested in them by the above mentioned Regulation or any other law for the purpose of controlling or managing Moslem Awkaf.

4. As and from the date of such notice all funds, cash, securities and deposits appertaining to or deposited on behalf of or vested in the Supreme Moslem Council or the General Awkaf Committee on behalf of Moslem Awkaf shall be transferred to and vested in the commission.

5. The commission shall have all or any of the powers vested in the Supreme Moslem Sharia Council and the General Wakf Committee by the Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921 and the Supreme Moslem Sharia Council Ordinance, 1926, for the purpose of controlling and managing the Moslem Awkaf funds, cash, securities and deposits aforesaid. In particular they shall have the power:

(a) To require all persons indebted to the Awkaf to pay the amount of such debt to the Commission or to such person as may be authorised in writing by the commission to receive it.

(b) To give receipts or discharges in respect of all sums receivable or payable by the Awkaf.

(c) To inspect ^{either} themselves or by a person nominated by them all documents of title books or other financial records or documents of any description dealing with Moslem Awkaf affairs and to require the production of such books or documents and all such explanations or any information from persons in charge thereof as they may deem necessary for the discharge of their powers and duties and for this purpose they may enter if need be by force any premises or place where they have reason to believe such records books or documents may be kept.

6. The commission may appoint such persons as they deem fit to advise them in the discharge of their powers and duties under these Regulations.

7. All Awkaf accounts administered by the commission shall be subject to audit by an auditor to be nominated by the High Commissioner.

8. (i) If any person contravenes or abets the contravention of or otherwise fails to comply with any of the provisions of these Regulations or any order, rule or direction made or given thereunder or is guilty of any offence against these Regulations, notwithstanding anything contained therein he may be tried under the provisions of the Magistrates' Courts Jurisdiction Ordinance, 1935, and if convicted shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both such imprisonment and fine, and notwithstanding anything contained in the Trial Upon Information Ordinance, 1924-1935, any such person may be tried upon information, and when so tried shall upon conviction be liable to a penalty of three years imprisonment or a fine of two hundred pounds or both.

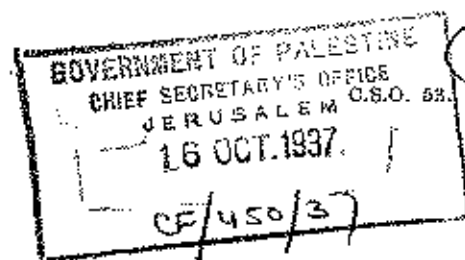
(ii) Where the person guilty of any such offence is a corporation, company or society, any director, officer or trustee, or other person concerned with the management thereof, shall be guilty of the like offence unless he proves that the offence was committed without his knowledge or consent.

9. The Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921, and the Supreme Moslem Sharia Council Ordinance, 1926, are hereby amended accordingly.

Code, Cypher **Cypher**
or Clear?

NOT PARAPHRASED

TELEGRAM



From **Secretary of State.**

To

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

Despatched **15.10.37.**

Received **15.10.37. 11. P.M.**

OPP. 2768-4000-19-7-37

No. 509 Secret.

Your telegram No. 467

Administration of Aqraf.

I approve.

I

(19a)

DECISION OF EXECUTIVE COUNCIL

Dated 13th October, 1937.

SECRET

Supreme Moslem Council and Awqaf Affairs.

1. Continuing the discussion of yesterday, the Officer Administering the Government said that the Chief Justice was prepared to put Mr. Justice Greene at the disposal of Government for the chairmanship of the proposed Commission and Mr. Greene was prepared to do it. This was agreed to be satisfactory.
2. A draft telegram to the Secretary of State was agreed in general terms, the Officer Administering the Government stating that he would trim it in detail after the meeting before sending it.
3. The final draft of the relevant Defence Regulation was approved. It was unanimously agreed that the action which it was proposed to take in this connection was in the interest of public security.
4. The Treasurer wished to include in the Regulation provision under which the Supreme Moslem Council's annual estimates would be subject to Government approval. After discussion it was agreed that this was superfluous as subject to certain conditions the estimates for 1937-38 had been already dealt with: the same result could be more conveniently achieved by embodying an instruction

to that effect for the current year in the administrative instructions which it is proposed to issue to the Commission.

5. It was decided that the Secretary of State's approval of the whole scheme must be awaited before any positive action can be taken. After that is received, the legislation and a communiqué will be published — it is hoped on Saturday, the 15th. The names of the Chairman and Members of the Commission would be given in a subsequent communiqué after the Moslem member had been approached and had accepted.

Code, Cypher
or Clear? **Cypher**

NOT PARAPHRASED

18

C.S.O. 67.

TELEGRAM

J.I.

From

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

Despatched **13.10.37. 5.45.p.m.**

IMMEDIATE

To Secretary of State

G.P.P. 3092-6000-15-10-38

No.467 Secret.

^{Your}
Reference my secret telegram No.497. I am now ready to take over administration of Amkef temporarily and propose to do so on following lines as from morning of Saturday 16th October when necessary regulations under the Defence Order in Council and communiques will be issued if you see no objection to proposals.

2. Following precedent of financial commission for Ortodox Patriarch the new administrative body for administration of Amkef will be a Commission consisting of three members. Chairman Eugene Judge Greene. Members A.L.Kirkbride and if possible one Moslem. Consider it most desirable to have high judicial officer at head of Commission. Chief Justice has been good enough to release Greene from his normal duties and Greene is prepared to act as Chairman. In practice it will be found that Greene's duties on Commission will occupy him only few hours each week and so he will continue to be available for judicial work. Present state of work in Supreme Court permits of this. Chief Justice has suggested amendments of law which may increase work of Supreme Court but feels that this need not be taken into consideration at present. Main executive member of Commission will be Kirkbride who is specially qualified for task. If I am unable to obtain Moslem member I shall fill vacancy with British Official.

Regulations provide for audit by auditors nominated by High Commissioner and though for present

TELEGRAM

From

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

To

Despatched

G.P.P. 2003-6000-15-10-36

- 2 -

at least accounts will be kept in Arab Bank the funds will in effect be under strict Government control.

I am satisfied that this proposal will be the least objectionable to Moslem opinion that can be devised and that two British Officers named will be least objectionable to Moslems.

3. The communique which I propose to issue in the event of your approval of these proposals will be the same as that contained in my secret telegram No.455 as amended by your secret telegram No.497. The following will be inserted as paragraph 2. " It is proposed to administer the Aukaf temporarily by a Commission of three members. The Chairman of the Commission will be a judicial officer. The names of the Chairman and the two members will be announced in due course ".

(17a)

I will deal with this - I have original copy

Patent (Reference) Order in Council, 1937.

Regulations made by the Officer Administering the Government under articles 6 and 10.

1. These Regulations may be cited as the Defence (Moslem Awak) Regulations, 1937 and shall be read as one with the Emergency Regulations, 1936.

2. Notwithstanding anything to the contrary in the Supreme Moslem Sharia Council Regulation dated the 30th day of December, 1931, or any other law, the High Commissioner may by notice in the Gazette appoint a commission to be composed of a chairman and two members to control and manage the Moslem Awak. If the chairman shall be incapable of so acting at any time for any cause whatsoever, the High Commissioner may appoint any other member of the commission or any other person as acting chairman during the incapacity of the chairman. The High Commissioner may appoint persons to act as members during casual vacancies caused by illness or absence. The commission shall be deemed to be competent to conduct business if at any meeting one member in addition to the chairman or acting chairman is present. In case of an equality of votes the chairman shall have a casting vote.

3. From the date of such notice the Supreme Moslem Sharia Council and the General Awak Committee shall cease to control, manage or intervene in Awak affairs except as the commission may direct or to exercise any of the powers vested in them by the above mentioned Regulation or any other law for the purpose of controlling or managing Moslem Awak.

2.

4. As and from the date of such notice all funds, cash, securities and deposits appertaining to or deposited on behalf of or vested in the Supreme Moslem Council or the General Awkaf Committee on behalf of Moslem Awkaf shall be transferred to and vested in the commission.

5. The commission shall have all or any of the powers vested in the Supreme Moslem Sharia Council and the General Wakf Committee by the Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921 and the Supreme Moslem Sharia Council Ordinances, 1926, for the purpose of controlling and managing the Moslem Awkaf funds, cash, securities and deposits aforesaid. In particular they shall have the power:

(a) To require all persons indebted to the Awkaf to pay the amount of such debt to the commission or to such person as may be authorized in writing by the commission to receive it.

(b) To give receipts or discharges in respect of all sums receivable or payable by the Awkaf.

(c) To inspect either themselves or by a person nominated by them all documents of title books or other financial records or documents of any description dealing with Moslem Awkaf affairs and to require the production of such books or documents and all such explanations or any information from persons in charge thereof as they may deem necessary for the discharge of their powers and duties and for this purpose they may enter if need be by force any premises or place where they have reason to believe such

records books or documents may be kept.

6. The commission may appoint such persons as they deem fit to advise them in the discharge of their powers and duties under these Regulations.

7. All Awkaf accounts administered by the commission shall be subject to audit by an auditor to be nominated by the High Commissioner.

8. (1) If any person contravenes or abets the contravention of or otherwise fails to comply with any of the provisions of these Regulations or any order, rule or direction made or given thereunder or is guilty of any offence against these Regulations, notwithstanding anything contained therein he may be tried under the provisions of the Magistrates' Courts Jurisdiction Ordinance, 1935, and if convicted shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both such imprisonment and fine, and notwithstanding anything contained in the Trial Upon Information Ordinance, 1924-1935, any such person may be tried upon information, and when so tried shall upon conviction be liable to a penalty of three years imprisonment or a fine of two hundred pounds or both.

(11) Where the person guilty of any such offence is a corporation, company or society, any director, officer or trustee, or other person concerned with the management thereof, shall be guilty of the like offence unless he proves that the offence was committed without his knowledge or consent.

9. The Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921, and the Supreme Moslem Sharia Council Ordinance, 1926, are hereby amended accordingly.

(17)

DECISION OF EXECUTIVE COUNCIL

Dated 12th October, 1937.

MOST SECRET

Supreme Moslem Council and Waqf Affairs.

1. Regarding the selection of a judicial officer for the chairmanship of the proposed Commission of Administration, the Officer Administering the Government remarked that he had had an interview with the Chief Justice who had displayed a most helpful attitude and had made certain suggestions. It appeared, however, that further consideration in detail was needed and the Attorney-General was requested to interview the Chief Justice today in order that the matter might be again discussed tomorrow.
2. A new draft of the Defence (Moslem Awkaf) Regulations, 1937 was produced by the Attorney-General and approved subject to slight amplification to provide for the due and compulsory audit of the accounts. The Attorney-General mentioned that he had deliberately omitted "properties" from clause 4 of the Regulations in order to avoid the necessity for seizing mosques which was obviously as impossible as it was unnecessary.
3. The Attorney-General mentioned that he had discovered that the Order of December, 1921 which regulates

the activities of the Supreme Moslem Council, made the President of the Council a Kais ul Ulema which was understood to be a religious appellation carrying with it certain privileges. In the exercise or supposed exercise of these privileges, Haj Amin Hussaini had within the last day or two summoned certain Government officials of the Lands Department to his residence in the Haram for the purpose of completing the formalities of some land transaction. The officials had not obeyed the summons and it was decided that they should not be permitted to do so.

Haj Amin had been removed from his position as President of the Supreme Moslem Council. He has thus lost the privileges appertaining to the position of Kais ul Ulema.

16

DECISION OF EXECUTIVE COUNCIL

Dated 11th October, 1937.

SECRET

Supreme Moslem Council and Waqf Affairs.

1. Saturday's discussion was continued. The Acting Chief Secretary had discussed the proposals with Mr. A.L. Kirkbride, when it was proposed to appoint as Controller, and Mr. Kirkbride had submitted a memorandum which was before the Council. Mr. Kirkbride's objective was first and foremost to secure co-operation if possible by all concerned and particularly co-operation by the Waqf officials.

2. He proposed a Commission of three, namely a Judicial Officer as Chairman, himself and a suitable Moslem officer with a knowledge of Sharia law. After discussion, this was approved in principle. Practical difficulties which might arise later were foreseen; but they could be met and surmounted if and when they were encountered.

The Officer Administering the Government undertook to interview the Chief Justice as to the possibility of securing a suitable Judge for the position of Chairman. It would not be a whole time position.

3. The method whereby the Controller should enter upon his task was discussed. Mr. Kirkbride had proposed

that the cash balances, &c., should be left undisturbed and that the accounts should continue to be kept in the Arab Bank instead of in the Treasury as originally proposed, but of course under his (i.e. the Administrator's) control. Mr. Kirkbride's proposals were accepted: it was considered that he had got to carry out a difficult and invidious task, and therefore he must be given every possible assistance and his views met as far as possible.

4. Mr. Kirkbride had suggested that he should enter the Supreme Moslem Council offices in a friendly way, without show of force in the way of police, &c., and that he should be accompanied only by the Moslem District Officer of the Jerusalem sub-district. This was agreed to.

5. In regard to staff Mr. Kirkbride had asked for the assistance of Hajal Eff. Hussaini and Mr. Crass of the Treasury. The Treasurer did not care for this proposal for reasons which he explained. It was agreed that (as above) Mr. Kirkbride deserved all possible support; but that the settlement of this matter could be left for discussion between the Treasurer and himself.

Palestine (Defence) Order in Council, 1937.

Regulations made by the Officer Administering
the Government under articles 6 and 10.

1. These Regulations may be cited as the Defence
(Moslem Awkaf) Regulations, 1937 and shall be read as
one with the Emergency Regulations, 1936.

2. Notwithstanding anything to the contrary in
the Supreme Moslem Sharia Council Regulation dated the
20th day of December, 1921, or any other law, the High
Commissioner may by notice in the Gazette appoint a
commission to be composed of a chairman and two members
to control and manage the Moslem Awkaf. If the chairman
shall be incapable of so acting at any time for any cause
whatsoever, the High Commissioner may appoint any other
member of the commission or any other person as acting
chairman during the incapacity of the chairman. The
High Commissioner may appoint persons to act as members
during casual vacancies caused by illness or absence.
The commission shall be deemed to be competent
to conduct business if at any meeting one member
other than the chairman or acting chairman is present.
In case of an equality of votes the chairman shall have
a casting vote.

3. From the date of such notice the
Sharia Council and the General Awkaf
shall cease to control, manage or intervene
except as the commission may direct or to
exercise any of the powers vested in them by the above
Regulation or any other law for the pur-
pose of controlling or managing Moslem Awkaf.

4. As and from the date of such notice all funds, cash, securities and deposits appertaining to or deposited on behalf of or vested in the Supreme Moslem Council or the General Awkaf Committee on behalf of Moslem Awkaf shall be transferred to and vest in the commission.

5. The commission shall have all or any of the powers vested in the Supreme Moslem Sharia Council and the General Wakf Committee by the Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921 and the Supreme Moslem Sharia Council Ordinance, 1926, for the purpose of controlling and managing the Moslem Awkaf, funds, cash, securities and deposits aforesaid. In particular they shall have the power:

(a) To require all persons indebted to the Awkaf to pay the amount of such debt to the commission;

(b) To give receipts or discharges in respect of all sums receivable or payable by the Awkaf;

(c) To inspect all documents of title books or other financial records or documents of any description dealing with Moslem Awkaf affairs and to require the production of such books or documents and all such explanations or any information from persons in charge thereof as they may deem necessary for the discharge of their powers and duties and for this purpose they may enter if need be by force any premises or place where they have reason to believe such records books or documents may be kept.

6. The commission may appoint such persons as they deem fit to advise them in the discharge of their powers.

and duties under these Regulations.

7. (i) If any person contravenes or abets the contravention of or otherwise fails to comply with any of the provisions of these Regulations or any order, rule or direction made or given thereunder or is guilty of any offence against these Regulations, notwithstanding anything contained therein he may be tried under the provisions of the Magistrates' Courts Jurisdiction Ordinance, 1935, and if convicted shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both such imprisonment and fine, and notwithstanding anything contained in the Trial Upon Information Ordinance, 1924-1935, any such person may be tried upon information, and when so tried shall upon conviction be liable to a penalty of three years imprisonment or a fine of two hundred pounds or both.

(ii) Where the person guilty of any such offence is a corporation, company or society, any director, officer or trustee, or other person concerned with the management thereof, shall be guilty of the like offence unless he proves that the offence was committed without his knowledge or consent.

8. The Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921, and the Supreme Moslem Sharia Council Ordinance, 1926, are hereby amended accordingly.

MOST SECRET

10th October, 1937.

A/C.S.

Introduction.

On the 9th October you informed me that it was desired that I should undertake on behalf of Government the control of the funds and administration of the Moslem Awkaf in Palestine which have hitherto been administered by the Supreme Moslem Council. As instructed by you I subsequently saw the Treasurer who explained the proposals to me in greater detail and gave me copies of the draft Regulations, and the draft instructions as to the immediate steps which I would be required to take in the event of the Regulations being made and my being appointed as Controller.

The same morning I again referred to you and asked that I should be given until the morning of the 11th October to study the proposals and submit my views. I now submit the following for consideration by Government.

My interpreta- 2. As I understand the position the only point on
tion of the
present position which a final decision has been taken is that the Awkaf
and of Govern-
ment's intentions should now be placed under direct Government control.

If this assumption is correct I presume that Government would be prepared to give further consideration to the manner in which effect should be given to this decision.

In considering this question I have also assumed that the sole object of the proposed control is to ensure that the Awkaf are properly administered and, in particular, that the funds which accrue therefrom, are not used for any improper purpose and, consequently, that it would be in conformity with the policy of Government if I were to submit proposals designed to minimise any resentment which might be felt in Palestine at the removal of the

control of Awkaf from the hands of a purely Moslem body (the Supreme Moslem Council) and, moreover, strengthen the position of Government in meeting any criticism which may be voiced in other parts of the Moslem world. There can be no doubt that the proposed measure will not be allowed to pass without comment.

It is also important that everything possible should be done to make the Government control of Awkaf as palatable as possible from the point of view of increasing the chances of inducing the existing Awkaf officials to co-operate, as they could place Government in an extremely awkward position if they refused to do so.

The medium of control.

3. The first point to be considered is the medium through which the control should be exercised. I understand that the present intention is that there should be a single Controller and that the Officer Administering the Government has selected me as a suitable person for that post. It is apparently intended that all funds should be paid into a special deposit account which will be controlled by the Treasurer; which in effect means that the ultimate control would be in the Treasurer's hands.

As regards my selection as Controller, I greatly appreciate the confidence in myself which is revealed by this decision; but even if such an attitude may be detrimental to my own interests I feel that it is my duty to submit with the utmost respect that the appointment of a single Controller is undesirable and, moreover, that a single officer would find it impossible to perform this duty satisfactorily if only for the reason that neither

I myself nor any other British Administrative Officer has a sufficient knowledge of Moslem Sharia Law, which is the basis of the Administration of Awkaf. Many points of ordinary Law will also arise.

It will be remembered that when a Committee was set up to adjudicate on Wakf claims to tithes Judge Webb was appointed as President and I think I am right in saying that this appointment of a British Judicial Officer was universally popular.

From both the political and practical points of view I strongly recommend the appointment of a Commission of three and since the Arabs in Palestine and in other countries have a very high opinion of British Judicial Officers, I feel that the appointment of a senior Judicial Officer as Chairman of the Commission would go far towards overcoming any opposition or criticism which might be aroused by Government's action.

As to the two members, I should be happy to serve on the Commission and to deal with the purely administrative and financial side of the work. Such an arrangement would make it possible for me to establish personal contact with the various Awkaf officials throughout Palestine and to endeavour to obtain their confidence or, at least, their co-operation. If the scheme is to be a success this is one of the most essential features of the work.

The second member should be a Moslem Officer who is well versed in Moslem Religious Law. His presence on the Commission would be of great value from a practical point of view and would help to win the confidence of the Awkaf Administration and of the public.

I think you will agree that a Commission constituted on these lines would form a very strong combination which would give the experiment a fair chance of success and which would give the Arab world little scope for criticism.

As regards the selection of a Moslem member, I would suggest Sheikh Hussam ed Din Eff. Jarallah who is a friend of mine (he was formerly Minister of Justice and Grand Qadi in Trans-Jordan) and whom I would ^{find} it easy to work with. Government may however know of a more suitable person or of an alternative candidate who could be selected if Sheikh Hussam ed Din declines to serve on the Commission. (N.B. He is at present employed in the Department of Education.)

Before leaving this question of the merits of a strong Commission as opposed to a single controller, I think that it would not be irrelevant to mention the precedent of the "Commission on the Finances of the Orthodox Patriarchate". There might be justifiable criticism if "Moslem affairs" are handed over to one British Officer when "Orthodox affairs" are considered worthy of a Commission; Arabs are quick to seize on such points.

Policy and
procedure to
be followed
when control
is imposed.

4. It is perhaps premature to discuss details of procedure before His Excellency has given his decision on the recommendations made in the preceding paragraph. If His Excellency decides to set up a Commission, and I earnestly hope that he will do so, then the Chairman of the Commission should presumably be consulted as to the procedure to be adopted in "taking over"; it would not of course be possible to consult the Moslem member in advance of the commencement of operations, nor do I think it necessary to do so as he will be mainly concerned with the interpretation and application of Moslem Law after the Commission have assumed control.

I suggest, however, that the moment is opportune for the consideration of the general lines of the policy to be followed, and here again I base my suggestions on the assumption that it is Government's wish to introduce the control on lines which would ensure a minimum of opposition and criticism.

5. I have already emphasized the importance of the co-operation of the existing staff of the Awkaf Administration and I think that the best way of obtaining this co-operation is by making them feel that their co-operation is taken for granted and that the Commission intend to function as friends and that the object of the control is not to destroy or supplant the existing Awkaf Administration but merely to ensure, in the absence of an effective Moslem Governing body owing to the removal from office of the President of the Supreme Moslem Council, the good administration of the Awkaf properties and funds. They should be made to feel that so long as they co-operate and play the game, interference by the Commission will be reduced to the minimum compatible with the proper exercise of the Commission's responsibilities. If the Awkaf officials do not re-act favourably to this treatment then Government would of course have to enforce its authority, but I submit that this should only be done after the attempt to ensure friendly co-operation has failed.

6. In conformity with the policy outlined above, I submit for His Excellency's consideration that at the outset the Commission should endeavour to avoid as far as possible upsetting the existing machinery. In this connection I would refer in particular to two suggestions in

the draft instructions shown to me by the Treasurer, viz.:

- (a) that the balance of the Supreme Moslem Council account with the Arab Bank be immediately withdrawn in cash and paid to the Treasurer's account with Barclay's Bank;
- (b) that the cash held at the offices of the Supreme Moslem Council should also be demanded and taken away for payment to the Treasurer's account with Barclay's.

Government may have adequate reasons of which I am not aware for adopting such drastic action but I venture to suggest that for the reasons set out above the procedure might be modified and still achieve Government's principal aim viz. to obtain control over the Funds.

As regards (a) funds at Arab Bank, would it not be sufficient in the first instance for a member of the Commission, accompanied by a witness, to visit the Bank with a letter of authority from the O.A.C.; call upon the Management to produce a certificate of the balance held by him in the name of the Supreme Moslem Council, verify the balance, and then deliver to the Management a formal intimation that no payments out of those funds may be made without the authority of the Commission?

I should think that it is highly improbable that the Bank would run the risk of making any unauthorised payments after that as they would presumably be liable to prosecution. The question of whether or not the funds should be gradually withdrawn in due course can be con-

sidered in the light of future developments.

Similar action could be taken in regard to (b) funds held in cash at Supreme Moslem Council Offices viz: the balance held would be verified and the Director of Askaf and/or Cashier warned that pending further instructions no payments may be made without the authority of the Commission. As regards this visit to the Supreme Moslem Council I strongly deprecate the proposal that it should be made under Police escort. If only one or two Police are taken they would attract undesirable attention and would not be able to deal with any serious opposition in the heart of the Old City; if on the other hand a large party of Police march down the old city there is a grave risk of the population jumping to the conclusion that there is to be a raid in force on the "Harem" and it may well start a serious riot. If the duty devolved on me I should prefer to be accompanied by a Moslem District Officer only, principally as a witness. The officials concerned could then be told as amiable as possible what is expected of them; if they refuse they could be warned that they are committing an offence under the Defence Regulations and that Government would be forced to proceed against them if they maintained their refusal to comply with the instructions given.

I do not know how far these modified proposals will commend themselves to Government but I hope that they will receive serious consideration. I feel sure that unless Government considers it essential to remove the funds from the Arab Bank immediately it would be preferable to avoid doing so since the seizure of all funds and their transfer to a "Treasury account with a foreign bank"

would be seized on by malcontents as a pretext for casting doubts upon Government's intentions.

There will be many other questions of detail to be discussed in due course but this memorandum is already rather long and I will endeavour to limit it to questions of major and immediate importance.

Staff.

7. How far a permanent staff will be required to assist the Commission, is difficult to forecast. This will depend largely on the trend of events and the extent to which the existing staff of the Awkafe Administration co-operate with the Commission.

I am, however, certain that whatever happens, the initial work of taking over control will necessitate the employment of at least one Arab Treasury Officer and of one experienced Arab Clerk. It is preferable that

Incidentally
they are
personal friends
and would work
well together.

{ both should be Moslems and I would suggest Rajai eff. Hussaini of the Treasury and Lutfi eff. who is a section clerk in the Chief Secretary's Office, both of whom are Moslems, are capable and can be relied upon to be tactful.

If Rajai eff. cannot be made available - I suggest Mr. Gress who already has a good knowledge of Awkafe finances.

I have already mentioned this to the Treasurer who suggested that he should not detail any special officer but that he should arrange for me to be given such assistance "as might be required from time to time in opening books etc.". I appreciate the Treasurer's offer of assistance when required and I may have to avail myself

of the offer (if I am in fact on the Commission), but this in itself would not be sufficient. Unless this minimum staff of two officers can be detailed to devote the whole of their time to assisting me as the "working member" of the Commission, I shall be so swamped with routine work that I shall never have time to deal with questions of principle or to establish that personal contact which, to my mind, is essential to the success of the scheme.

(Sgt.) A.L. Kirkbride.

Most. SECRET

10th October, 1937.

14a

A/C.5.

Introduction

Read with
much interest
last members of
Ex. Co. see before
this morning's meeting.

look

11/10/37

On the 9th October you informed me that it was decided that I should undertake on behalf of Government the control of the funds and administration of the Moslem Awqaf in Palestine which have hitherto been administered by the Supreme Moslem Council. As instructed by you I subsequently saw the Treasurer who explained the proposals to me in greater detail and gave me copies of the draft Regulations, and the draft instructions as to the immediate steps which I would be required to take in the event of the Regulations being made & my being appointed as Controller.

The same morning I again referred to you and asked that I should be given until the morning of the 11th October to study the proposals and submit my views. I now submit the following for consideration by Govt.

My interpretation
of the present position
& of Govts. intentions.

2. As I understand the position the only point on which a final decision has been taken is that the Awqaf should now be placed under direct Government control. If this assumption is correct I presume that Government would be prepared to give further consideration to the manner in which effect should be given to this decision.

In considering this question I have also assumed that the sole object of the proposed control is to ensure that the Awqaf are properly administered and, in particular, that the funds which accrue therefrom are not used for any improper purpose and, consequently, that it would be in conformity with the policy of Govt. if I were to submit proposals designed to minimise any resentment which might be felt in Palestine at the removal of the control of Awqaf from the hands of a purely Moslem body (the S.M.C.) and, moreover, strengthen the position of Government in meeting any criticism which may be voiced in other parts of the Moslem world. There can be no doubt that the proposed measure will not be allowed to pass without comment.

It is also important that everything possible should be done to make the Government control of Awqaf as palatable as possible from the point of view of increasing the chances of inducing the existing Awqaf officials to co-operate, as they would place Government in an extremely awkward position if they refused to do so.

The medium of control

3. The first point to be considered is the medium through which the control should be exercised. I understand that the present intention is that there should

be a single Controller and that the O.A.G. has selected me as a suitable person for that post. It is apparently intended that all funds should be paid into a special deposit account which will be controlled by the Treasurer; which in effect means that the ultimate control would be in the Treasurer's hands.

As regards my selection as Controller, I greatly appreciate the confidence in myself which is revealed by this decision; but even if such an attitude may be detrimental to my own interests I feel that it is my duty to submit with the utmost respect that the appointment of a single Controller is inadvisable and, moreover, that a single Officer would find it impossible to perform this duty satisfactorily if only for the reason that neither I myself nor any other British Administrative Officer has a sufficient knowledge of Moslem Sharia' laws, which is the basis of the Administration of Awqaf. Many points of ordinary law will also arise.

From both the political and practical points of view I strongly recommend the appointment of a Commission of three and since the Arabs in Palestine & in other countries have a very high opinion of British Judicial Officers, I feel that the appointment of a Senior Judicial Officer as Chairman of the Commission would

It will be remembered that when a Committee was set up to authenticate on Wafiq claims to the Judge Webb was appointed as President & I think I am right in saying that this appointment of a British Judicial Officer was universally popular

be a single Controller and that the O.A.G. has selected me as a suitable person for that post. It is apparently intended that all funds should be paid into a special deposit account which will be controlled by the Treasurer; which in effect means that the ultimate control would be in the Treasurer's hands.

As regards my selection ~~as~~ as Controller, I greatly appreciate the confidence in myself which is reflected by this decision; but even if such an attitude may be detrimental to my own interests I feel that it is my duty to submit with the utmost respect that the appointment of a single Controller is inadvisable and, moreover, that a single Officer would find it impossible to perform this duty satisfactorily if only for the reason that neither I myself nor any other British Administration Officer has a sufficient knowledge of Moslem Sharia' law, which is the basis of the Administration of Amqaf. Many points of ordinary law will arise.

From both the political and practical points of view I strongly recommend the appointment of a Commission of three and since the Arabs in Persia & in other countries have a very high opinion of British Judicial officers, I feel that the appointment of a Senior Judicial Officer as Chairman of the Commission would

It will be remembered that when a Committee was set up to adjudicate on Wakf claims to which Judge Webb was appointed as President & I think I am right in saying that this appointment of a British Judicial Officer was ^{C.S.O. 60.} universally popular

go far towards overcoming any opposition or criticism which might be aroused by Gush's action.

As to the two members, I should be happy to serve on the Commission and to deal with the purely administrative and financial side of the work. Such an arrangement would make it possible for me to establish personal contact with the various Angaf officials throughout Palestine and to endeavour to obtain their confidence or, at least, their co-operation. If the scheme is to be a success this is one of the most essential features of the work.

The second member should be a Moslem Officer who is well versed in Moslem Religious Law. His presence on the Commission would be of great value from a practical point of view and would help to win the confidence of the Angaf Administration and of the public.

I think you will agree that a Commission constituted on these lines would form a very strong combination which would give the experiment a fair chance of success and which would give the Arab world little scope for criticism.

As regards the selection of a Moslem member, I would suggest Sheikh Hussam ad Din Eff. Jarallah who is a friend of mine (he was formerly Minister of

Justice and Grand Qadi in T.J.) and whom I would find it easy to work with. Government may however know of a more suitable person or of an alternative candidate who could be selected if Sheikh Hussain ed Din declines to serve on the Commission. (H.D. He is at present employed in the Dept. of Education).

Before leaving this question of the merits of a strong Commission as opposed to a single controller, I think that it would not be irrelevant to mention the precedent of the "Commission on the Finances of the Orthodox Patriarchate". There might be justifiable criticism if "Moslem affairs" are handed over to one British Officer when "Orthodox affairs" are considered worthy of a Commission; Anates are quick to seize on such points.

H. It is perhaps premature to discuss details of procedure before H.E. has given his decision on the recommendations made in the foregoing paragraph.

If H.E. decides to set up a Commission, and I sincerely hope that he will do so, then the Chairman of the Commission should presumably be consulted as to the procedure to be adopted in "taking over"; it would not of course be possible to consult the Moslem members in advance of the commencement of operations, nor do I think it necessary to do so as he will be mainly concerned with

Policy & procedure
to be followed
when contact is
made.

the interpretation and application of Moslem laws after the Commissioners have commenced control.

I suggest, however, that the moment is opportune for the consideration of the general lines of the policy to be followed, and here again I base my suggestions on the assumption that it is Govt.'s wish to introduce the control on lines which would ensure a minimum of opposition & criticism.

5. I have already emphasised the importance of the co-operation of the existing staff of the Awqaf Administration and I think that the best way of obtaining this co-operation is by making them feel that their co-operation is taken for granted and that the Commission intend to function as friends and that the object of the control is not to destroy or supplant the existing Awqaf Administration but merely to ensure, in the absence of an effective Moslem Governing body owing to the removal from office of the President of the S. M. C., the good administration of the Awqaf properties and funds. They should be made to feel that so long as they co-operate and play the game, interference by the Commission will be reduced to the minimum compatible with the proper exercise of the

Commissioners responsibilities. If the Anglo officials do not re-act favourably to this treatment then Govt. would of course have to enforce its authority, but I submit that this should only be done after the attempt to secure friendly co-operation has failed.

6. In conformity with the policy outlined above, I submit for H.E.'s consideration that at the outset the Commission should endeavour to avoid as far as possible upsetting the existing machinery. In this connection I would refer in particular to two suggestions in the draft instructions shown to me by the Treasurer, viz:-

(a) that the balance of the S.M.C. account with the Arab Bank be immediately withdrawn in cash and paid to the Treasurer's account with Barclays Bank;

(b) that the cash held at the office of the S.M.C. should also be withdrawn & taken away for payment to the Treasurer's account with Barclays.

Government may have adequate reasons of which I am not aware for adopting such drastic action but I venture to suggest that for the reasons set out above the procedure might be modified and still achieve Govt.'s principal aim viz. to obtain control over the funds.

As regards (a) funds at Arab Bank, would it not be sufficient in the first instance for a member of the Commission, accompanied by a witness, to visit the Bank with a letter of authority from the C. A. B.; ask upon the Management to produce a certificate of the balance held by him in the name of the S.M.C., verify the balance, & then deliver to the Management a formal instruction that no payments out of those funds may be made without the authority of the Commission?

I should think that it is highly improbable that the Bank would run the risk of making any unauthorized payments, either that as they would presumably be liable to prosecution. The question of whether or not the funds should be gradually withdrawn in due course can be considered in the light of future developments.

Similar action could be taken in regard to (b) funds held in cash at S.M.C. offices viz: the balance held would be verified & the Director of Augaf and/or Cashier would then furnish further instructions no payments may be made without the authority of the Commission. - As regards this visit to the S.M.C. I strongly deplore the proposal that it should be made under Police escort. If only one or two Police are taken they would attract undesirable attention

and would not be able to deal with any serious opposition in the heart of the old city; if on the other hand a large party of Police march down the old city there is a grave risk of the population jumping to the conclusion that there is to be a war in force on the "Hudson" & it may well start a serious riot. If the duty devolved on me I should prefer to be accompanied by a Mexican district officer only, principally as a witness. The officials concerned could then be told as amicably as possible what is expected of them; if they refuse they could be warned that they are committing an offence under the Defence Regulations & that Govt. would be forced to proceed against them if they maintained their refusal to comply with the instructions given.

I do not know how far these modified proposals will commend themselves to Government, but I hope that they will receive serious consideration. I feel sure that unless Govt. considers it essential to remove the funds from the Arab Bank immediately it would be preferable to avoid doing so since the seizure of all funds could lead to a "Treasury account with a foreign bank" would be seized on by malcontents as a pretext for casting stones upon Govt's intentions.

There will be many other questions of detail to be discussed in due course but this memorandum is already rather long and I will endeavour to limit it to questions of major and immediate importance.

Staff

7.

How far a permanent staff will be required to assist the Commission, is difficult to forecast. This will depend largely on the trend of events & the extent to which the existing staff of the Awqaf Administration co-operate with the Commission.

I am, however, certain that whatever happens, the initial work of taking over control will necessitate the employment of at least one Arab Treasury Officer and of one experienced Arab Clerk. It is preferable that both should be Moslems and I would suggest Rajai eff. Khassini of the Treasury and Huffafi eff. who is a section Clerk in the C.S.O., both of whom are Moslems, are capable & can be relied upon to be helpful.

If Rajai eff. cannot be made available - I suggest Mr. Green who already has a good knowledge of Awqaf finances.

I have already mentioned this to the Treasurer who suggested that he should not detail any special officer but that he should arrange for me to be given such assistance "as might be required from time to time in opening books etc." I appreciate

Incidentally they are personal friends & would work well together

the Treasurer's offer of assistance when required & I may have to avail myself of the offer (if I am in fact on the Commission), but this in itself would not be sufficient. Unless this minimum staff of two officers can be detailed to devote the whole of their time to assisting me as the "working member" of the Commission, I shall be so overwhelmed with routine work that I shall never have time to deal with questions of principle or to establish that personal contact which, to my mind, is essential to the success of the scheme.

M. J. Winbribe

DECISION OF EXECUTIVE COUNCIL

Dated 9th October, 1937.

SECRET.1. Supreme Moslem Council and Awkaf affairs.

Council had read the Secretary of State's reply to the Officer Administering the Government's telegram on this subject. The Secretary of State had approved course (b), i.e. the creation of a Government department under a British officer to run the Supreme Moslem Council and Awkaf budgets: the question was whether steps in this direction should be taken immediately or whether it would be better to wait for a time.

2. The Treasurer produced a memorandum giving details of the proposed action and procedure which he and Mr. Harris had prepared in consultation. He advised that action should be taken immediately to take over the funds and affairs of these bodies.

The Attorney-General produced draft Defence (Moslem Awkaf) Regulations, 1937, which were studied in detail and approved subject to amendment in certain particulars.

3. It was considered that it would be essential to remove the offices from their present site in the Old City close to the Haram. Mr. A.L. Kirkbride, Assistant Secretary, was to be appointed Administrator in charge of the Supreme Moslem Council and Wakf funds. He should be given the

week end to study the Treasurer's proposals, and it would be necessary to furnish him with detailed instructions as to his powers and duties. A communiqué would be required and written instructions to sub-accountants for dealing with these monies would be prepared. There would be the translation of the legislation and communiqués to get ready as both should be published simultaneously. It was decided that the subject could not be closed today, but would have to be discussed further on Monday. In the meantime the Treasurer would consider the question of remuneration for Mr. Kirkbride.

Coda, Cypher
or Clear?

Cypher

Not paraphrased

12
O.S.O. 67.

TELEGRAM

IMMEDIATE

J.1.

From

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

To Secretary of State

Despatched

9.10.37.

G.P.P. 2002-2000-15-10-36

No. 451. Secret.

Your secret telegram No. 497.

Creation of Government Department of Arab under
British Official.

This will take a few days to arrange and I will
telegraph again as to date on which final action will
be taken.

~~(7)~~
Chief Secretary.

(10)
I attach at ~~(7(a))~~ four copies of the joint proposals of Mr. Harris and myself in accordance with His Excellency's request in (6). I have retained one copy for myself, and have given the Attorney General one copy.

2. It will be observed that I have made no provision in these proposals for seizing or controlling the Savings Account and the Account of the Moslem Waqf of Jerusalem referred to on page 2 of Mr. Paton's note, which formed an enclosure to my Secret letter to you No. CT/23/37 of the 7th October, 1937.

9.10.37.

597
Treasurer.

cf/449/37

PROPOSALS FOR IMPLEMENTING THE DECISION AT (4).

Attorney General to draft Emergency Regulations enabling High Commissioner to seize Awqaf funds and to appoint British Officer (to be designated "Controller of Finances of Awqaf Administration") to administer them. This authority should cover all cash and bank balances and all assets of the Supreme Moslem Council and General Waqf Committee including moveable and immoveable property and securities, and all monies, credits, funds and other dues due to the Awqaf whether in kind or in money.

2. When in possession of His Excellency's authority, Controller should :-

(a) Pay personal visit to Arab Bank and withdraw in cash, against His Excellency's authority and his own receipt, balance of Supreme Moslem Council Account and pay same to account of Treasurer, Government of Palestine, at Barclays Bank (D.C. & O.), Jerusalem. Treasurer will open Deposit Account designated "Controller of Finances of Awqaf Administration No.1 Account".

(b) Pay personal visit under Police escort to office of Supreme Moslem Council where he will produce the necessary authority and :

(i) Take against receipt in presence of Director General of Awqaf (or Chief Accountant) and Cashier any cash on hand whether in excess of balance shown in cash book or not and pay same to account of Treasurer, Government of Palestine, at Barclays Bank (D.C. & O.), Jerusalem, for

credit by Treasurer to Deposit Account designated "Controller of Finances of Awqaf Administration No.1 Account." He will also take possession against receipt of any securities and deposit them in a sealed packet for safe custody with the Treasurer.

- (ii) Obtain from Director General of Awqaf or Chief Accountant list of all Collectors of Awqaf Revenue and Officers in charge of votes and other Accounting Officers; and copy of budget for 1937-38 together with authorised expenditure allocations to date.
- (iii) Inform in writing all Collectors of Awqaf Revenue, Officers in charge of Awqaf votes, and other Accounting Officers of Controller's authority of appointment and of powers to seize funds and to control collection of Awqaf revenue and expenditure on Awqaf services and that existing authorised financial instructions will be followed for present.
- (iv) Issue written instructions to all Collectors of Awqaf Revenue to pay and account for all Awqaf monies in their custody at that date and daily to pay and account to local Treasury Sub-Accountant as from that date for all collections of Awqaf revenue and other Awqaf receipts by them and to notify him direct of all such lodgments; and arrange with Treasurer :
 - (1) for notification of these arrangements to Treasury Sub-Accountants concerned who should verify these

receipts with Collectors' cash books and credit them to Deposit Account designated "Controller of Finances of Awqaf Administration No.2 Account"; and that withdrawals from this account in future will only be made on vouchers signed by the Controller;

(2) for transfer of all receipts relating to period prior to date of his appointment to Deposit Account designated "Controller of Finances of Awqaf Administration No.1 Account".

(v) .Issue written instruction to Officers in charge of votes and other Accounting Officers to pay undistributed balances of monies in their possession at close of that day to Treasury Sub-Accountant and to notify him direct of all such lodgments; and arrange with Treasurer for notification of these arrangements to Treasury Sub-Accountants concerned who should verify these lodgments with cash books of Paying-in Officers and credit them to Deposit Account designated "Controller of Finances of Awqaf Administration No.1 Account";

(vi) Issue instructions in writing to Chief Accountant of Awqaf Administration to close immediately his cash book and all account books.

3. The Regulations referred to in para.1 should not be published until action is ready to be taken as proposed in para.2; and action in para.2 should be

taken, if possible, during morning of same day on which Regulations are published. Approved drafts of Circulars should therefore be prepared and translated into Arabic beforehand.

4. If possible on same day or as soon as possible afterwards Controller should request of Director General of Awqaf or Chief Accountant :-

within 7 days :

- (a) Copies of establishment lists of all serving Awqaf Officers showing rates of remuneration and copies of contracts for service;
- (b) Particulars of contractual commitments against votes in respect of works or services in progress at the date of taking over, and amount of such commitments after that date and dates on which payments, if any, are due;
- (c) Particulars of all sources of revenue and of approximate due dates;

within 30 days :

- (d) A trial balance of the Books of Accounts and Statement of Assets and Liabilities at the date of the Controller's taking over;
- (e) A list of arrears of revenue at date of Controller's taking over with reasons therefor, if known;
- (f) Inventories of all moveable and immoveable property of the Supreme Moslem Council or General Waqf Committee at that date and in the case of lands to give reference to registered titles;

- (g) Statement of all outstanding claims for payments at date of Controller's taking over.

5. As soon as possible Controller will consult with Deputy Treasurer regarding :-

- (a) Any necessary amendment of financial instructions of Awqaf Administration or accounting procedure;
- (b) the opening of proper books of control to be kept by Controller for the supervision by him of the receipt and disbursement of Awqaf funds;
- (c) the financial position of the Awqaf Administration at date of the Controller's taking over;
- (d) the balancing of the budget of the Awqaf Administration for 1937-38 having regard to the Chief Secretary's letter No.K/35/37 of 31st August, 1937, to President of the Supreme Moslem Council and any necessary revision of the revenue estimates;
- (e) the presentation of vouchers to the Treasurer, Jerusalem, for refund of deposits of both the Controller's accounts and for any necessary adjustments between the accounts having regard to the necessity of meeting contractual payments on both accounts and the establishment of the financial position at the date of taking over by the Controller;
- (f) the periodical reconciliation of Awqaf Accounts with Treasury Accounts.

9th October, 1937.

PALESTINE (DEFENCE) ORDER-IN-COUNCIL, 1937.

Regulations made by the Officer Administering the Government under Articles 6 and 10.

1. These Regulations may be cited as the Defence (Moslem Awkaf) Regulations, 1937.
2. Notwithstanding anything to the contrary in the Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921, or any other law, the High Commissioner may by notice in the Gazette appoint such person as he deems fit to be administrator for the control and management of the Moslem Awkaf. From the date of such notice the Supreme Moslem Sharia Council and the General Wakf Committee shall cease to control, manage or interfere in Awkaf affairs except as the administrator may direct or to exercise any of the powers vested in them by the above named Regulation or any other law for the purpose of controlling or administering Moslem Awkaf.
3. The administrator shall have all or any of the powers vested in the Supreme Moslem Sharia Council and the General Wakf Committee by the Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1921 for the purpose of controlling and managing the Moslem Awkaf. In particular he shall have the power:
 - (a) to require all persons indebted to the Awkaf to pay the amount of such debt to the administrator;

- (b) to give receipts or discharges in respect of all sums receivable or payable by the Awhaf;
- (c) to inspect all documents of title books or other financial records or documents of any description dealing with Moslem Awhaf affairs and to require the production of such books or documents and all such explanations from persons in charge thereof as he may deem necessary for the discharge of his powers and duties.

The Supreme Moslem Sharia Council Regulation dated the 20th day of December, 1931 and the Supreme Moslem Sharia Council Ordinance, 1936, are hereby amended accordingly.

(7)

DECISION OF EXECUTIVE COUNCIL

Dated 6th October, 1937.

2. Supreme Moslem Council and Waqf Committee.

The Treasurer informed the Council that the balance to the credit of the Supreme Moslem Council at the Arab Bank was not LR 2,600 as he had been informed last week, but LR 10,000. The incorrect information was due to the extraction of the wrong figures in the necessarily hasty examination of the books, during the search of the Bank by the Police, by the Examiner of Banks who knows no Arabic in which the accounts are kept.

The Treasurer had also discovered that for some time during the end of last year and the beginning of this year Government payments by cheque of sums due to the Supreme Moslem Council and Waqf Committee had not been paid into the bank account, but the cheques, being

drawn to the order of Haj Amin Hussein, had been cashed under his order. It was rumoured that £2 15,000 in cash was secreted in the "war chest" in the Haram.

3. A draft telegram by the Officer Administering the Government to the Secretary of State, making proposals for carrying on the administration of the Waqf funds, was before Council. It was decided that some revision was required of the Executive Council in consultation immediately after the meeting. An official communiqué was also to be drafted, to be telegraphed to the Secretary of State for prior approval, along with the other telegram.

Most Secret.

7

With the deposition of Haj Amin from the Chairmanship of the Central Waqf Committee and President of the S.W.C. there is no executive officer left to deal with Waqf affairs, or the Sharia Court affairs.

I do not touch on the latter in this memorandum but I am concerned about the continuance of the administration of the Waqs. In effect the Waqs are administered by the Chairman of the Central Waqf Committee through the Waqf mamours in various places. If administrative chaos in waqf matters is not to continue then there must be someone in authority at the head in the place of Haj Amin who will be in a position to give receipts for payments and to make payments to the Mamours.

2. The first question for decision is. Should the Government make a move now to remedy this state of administrative chaos or should Government wait until the move comes from the Moslems?

There are some who think that it would be an error for Government to make a move now and that this would be accounted as weakness on the part of the Government. It is possible that that would be the reaction in the event of the Government making the move. But it is also possible that if the Government can show that even with Haj Amin out of the way it is possible to carry on the waqf administration then it seems to me that Haj Amin would lose prestige. Then again I doubt that it is the right line of argument to say that Moslems brought all this on themselves and that therefore they must be prepared to suffer. I do not see how the Government can divest itself of all responsibility in this way. And it seems to me most desirable to show the country that Haj Amin is not such an important cog in the administrative wheel of this country as to be the cause of paralysing this waqf administration.

I incline therefore, subject of course to the advice of the Executive Council, to the view that the Government should make a move within the next few days after having received the prior sanction of the S.S.

3. The next point which arises is how should Government make this move. The following alternatives suggest themselves.

(i). Government might in a carefully worded letter ask the Waqf Committee to nominate one of its members to be temporary Chairman for the purposes of carrying out the administration of waqf funds. It may be expected that they will refuse to nominate anyone.

(ii). Government might at once appoint a British official to be temporarily a Director of Waqfs.

The balance of advantage seems to me to lie in pursuing (i) first of all and then when we get the refusal to appoint (ii). Much will depend on the wording of the letter in the case of (i) and the wording of the communique when we appoint (ii). It should be stressed that the appointment is of a temporary nature whilst the present situation exists and that the whole question of the future administration of waqf funds ~~will~~ with the participation of Moslems in it will be considered as soon as the situation admits.

4. The views expressed above are tentative only and subject to any advice I shall receive. It seems to me to be desirable to address the S.S. by telegram. The actual future structure of the waqf administration need not be considered now. What I think is necessary is that the Government should take some steps to obviate the waqf ~~funds~~ administration getting into an almost inextricable state of chaos.

W.S.B.
5/4/57.

Seen by C.I.
and Fa.
10/1
5/4

Most Secret.

(6)

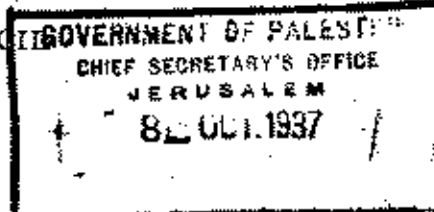
Ag. C. S.

Now that the S.S. has approved of the proposals as to the Award I think it is most desirable that the final details should be worked out. I should be glad if a sub Committee of Ex. Co. consisting of the Treasurer and Mr. Harris would study this matter at once and make recommendations. I think it would be desirable for the notice of Government's intentions to be published to-morrow after the matter has been mentioned in Ex. Co.

Went
6/1/27

DECISION OF EXECUTIVE COUNCIL

Dated 5th October, 1937.

MOST SECRET

4. The position of the Supreme Moslem Council and the Waqf Committee in relation to the action recently taken to deprive Haj Amin al Husseini of his office, &c., was again discussed.

The Treasurer advised asking these bodies to nominate an Acting Chairman for Government approval so as to ensure the continued running of the business of the Council and Committee. The answer would probably be a refusal. Then it would be necessary for Government to nominate somebody, but he did not think a British officer, as had been advocated, would do: a Moslem would be essential. This would be only a temporary arrangement in any case: the ultimate ideal in his opinion would be a financial Commission, similar to that in respect of the Greek Orthodox Patriarchate, through which Government control could be exercised. In his opinion Government must have power, too, to appoint its own auditor of the Supreme Moslem Council and Waqf funds. The Sharia Courts should eventually be organised as part of the Judicial Department and thus come under the supervision and control of the Chief Justice for purposes of administration.

5. The Acting Chief Secretary considered that the

establishment of a Government Department of Awqaf was essential; otherwise we should simply allow another situation to develop similar to that which had developed before — since the so-called temporary appointment of Haj Amin to his offices — and which we had just been at such pains to deal with.

6. The matter was adjourned for further consideration in the light of a memorandum which the Treasurer had submitted but which the Officer Administering the Government and the other members of Council had not had opportunity to read.

Code, Cypher or Clear? **Cypher**

NOT PARAPHRASED

4
C.S.O.-63.

J.1.

TELEGRAM

From **Secretary of State**

To **Most Immediate**

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

Despatched **7.10.37.**

Received **7.10.37. 7.20.p.m.**

G.P.P. 8163-4200-10-7-37

No. **497 Secret**

1 (2)

Your telegram No. 454, Secret. I approve the creation of Government Department of Amkaf under British Official to administer Amkaf until the situation is clarified (course (b) in your telegram) and the text of the Official Communiqué as in your telegram No. 455 but I suggest the omission of the last paragraph which may be inconveniently restrictive as regards any variation of administrative arrangements. Any representations by Amkaf officers as to future conditions of service can be dealt with if and when received.

1

In Confidential despatch dated 5th October I asked the Governor of Cyprus to furnish report on the system of administration of Amkaf in the island and to send you a copy direct.

TELEGRAM

MOST IMMEDIATE

From

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

To Secretary of State.

Despatched 6.10.37. 7.30.p.m.

G.P.F. 2002-2800-13-10-36

No.455.

Official Communiqué. Begins.

As a result of the recent murder campaign culminating in the murder of Mr. Andrews on the 26th September, Government has taken a number of steps as announced in Official Communiqué No.16/37 of the 1st October. One of these steps was the depriving of the Mufti of Jerusalem of the membership of the General Waqf Committee of which he was the Chairman. It has therefore become necessary to take immediate measures to safeguard the interests of the Moslem Community by ensuring the continuance of Awqaf services. These measures will be of a temporary nature until such time as circumstances are favourable for the establishment of a Moslem Waqf Department or other body to resume control of these awqaf. In the meantime, it is the intention of Government to take over the duties of the financial control previously exercised by the Supreme Moslem Council or the General Waqf Committee in the matter of the collection of awqaf revenues and the payment of salaries of awqaf staff and for awqaf services which have in the past been directly dealt with by the Supreme Moslem Council or General Waqf Committee or through local Mamours.

The Officer Administering the Government desires to emphasize that the Awqaf services will be carried out strictly in accordance with the law and for the benefit of the objects for which they were founded.

Code, Cypher
or Clear?

C.S.O. 67.

TELEGRAM

From

1 HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

To

Despatched

G.P.D. 2002-6000-16-10-90

- 2 -

The Officer Administering the Government emphasizes that it is not intended to vary the conditions of service under which the Waqf Officers are serving or the sources and rates of revenue from which they are paid and reiterates that these measures are purely temporary. ends.

NB

To be
amended

h.

8.10

Code, Cipher
Clear ?

Cypher

NOT PARAPHRASED

C.S.O. 87.

2

J.1.

TELEGRAM

MOST IMMEDIATE

From

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

To Secretary of State.

Despatched 6.10.37. 7.p.m.

G.P.O. 2002-2000-15-10-30

No. 454.

I consider that it is now essential to take action to administer Waqf funds temporarily until situation admits of a permanent reorganisation of the Waqf administration by which Moslems are given an opportunity of managing their own Waqf affairs. Reasons being that the interests of good administration demand such action, and that by such action Mufti will be further isolated and will lose prestige.

2. Two possible courses present themselves:-

(a) To call on members of the S.M.C. to nominate one of their number to be appointed by me President pro tem of the S.M.C. to administer Waqfs under Government audit. And if they refuse to nominate then to adopt course (b).

(b) To create a Government Department of Awqaf with a British official at its head to administer waqfs until situation is clarified without previous action as at (a).

3. Disadvantages of proposal (a) are :-

(1) Almost certain that S.M.C. would refuse to nominate anyone.

(2) If anyone was nominated such person would almost certainly be under influence of Haj Amin or would at least be considered to be.

(3) If refusal to nominate was made it would be attributed to Mufti's power and thus would heighten his prestige.

Advantages would be that in the event of

TELEGRAM

From

HIGH COMMISSIONER FOR PALESTINE,
TRANS-JORDAN.

To

Despatched

G.P.O. 2002-5005-15-10-25

- 2 -

resful and adoption of course (b) the Government would be able to counter the cry which is bound to be raised that Government is deliberately taking away from Moslems administration of what is essentially Moslem affair.

4. I consider it best to adopt course (b) without consulting remaining members of S.M.C. The one disadvantage would be the cry that Government was taking away from Moslems the right to manage their own affairs. But that I consider must be faced. I should propose to issue communique in terms of my immediately following telegram if you approve adoption of course (b) and this should have effect of anticipating and answering main objection. I should be glad if you would approve course (b).

①

DECISION OF EXECUTIVE COUNCIL

Dated 2nd October, 1937.

MOST SECRET

4. The position arising out of the deprivation of the Mufti of his office as President of the Supreme Moslem Council and Chairman of the Waqf Committee was discussed. An Emergency Regulation had been drafted and was before Council giving Government the right to control any monies which there was reason to believe were being used or intended to be used "for purposes prejudicial to public security". The police had searched the Arab Bank in the presence of the Examiner of Banks who had found the balances at the disposal of the Supreme Moslem Council much smaller than had been supposed. Certain periodical payments due by Government had been withheld and would not be paid for the moment: in fact, they could not be for without Haj Amin as President of the Supreme Moslem Council and Chairman of the Waqf Committee there was no one to give the necessary receipts for these monies. Neither can any payments be made by cheque on the accounts in question at the Arab Bank and the result would soon be chaos, the non-payment of Moslem Council and Waqf officials' salaries, &c. Various expedients for meeting the situation were suggested and discussed, but it was eventually decided that nothing at all should be done for the moment, but that the Emergency Regulations should be held in readiness and

the matter further considered at an early date in the light of developments in the situation.

I

I

SECRET & PERSONAL.

REF. No. 310/4/Sec.

Amman 5th. October, 1937.

My dear Moody

I told you on the telephone a few days ago that the Amir was very pleased with the action recently taken by the Palestine Government.

2. I asked him this morning what further action he considered to be advisable and give his recommendations below :-

(1) Both the Waqf and the Orphans Fund should be attached to the Treasury who should thoroughly overhaul their accounts and the transactions which have taken place up to date.

A Moslem Mudir should be placed in charge of each of these Funds, being appointed as members of the Treasury Staff.

(2) The Supreme Moslem Council should be done away with and the Sheria Courts should be placed under the supervision of the Chief Justice who should have an Advisory Body to assist him in the appointment and discipline

of /

S. Moody, Esq., O.B.E.,
Government Offices,
JERUSALEM.

of the Staff. His Highness recommended that membership of this Advisory Body should be offered to the following and should these persons refuse to accept membership then the Chief Justice should carry on without an Advisory Body.

The persons named by His Highness are :-

Sheikh	Khalidi of Jerusalem.
"	Asaad Shukeiri of Acre.
"	Hussan-ed-Din Jarallah.
"	Suleiman Taji.

You know these men much better than I do, so I will confine myself to saying that I think the Amir named the last of them because he is particularly hostile to the Mufti and not because His Highness believes him to be honest and sincere.

3. The Chief Minister, with whom I discussed the matter a few days ago, thinks that ^{the} Supreme Moslem Council should remain in being and that, without advice from the Government, one of its members should become acting President; he advocates that this arrangement should continue until there has been time to take stock of the situation.

The Chief Minister, however, is not perhaps stating his real opinion in

giving /

giving this advice and may, I suspect, be hedging so as not to become too unpopular. For instance he advised me that Ragheb Nasha-shibi and Suleiman Touqan should both be arrested so that they might not lose popularity in remaining free when Dr. Khalidi and Co. have been arrested and deported; and he considers that the Amir should pretend to frown upon the recent action of the Palestine Government.

4. I don't know what the system followed in Palestine is of appointing local judicial officers, but presume they are appointed by the High Commissioner on the recommendation of the Chief Justice with the approval of the Secretary of State.

In making his recommendation the Chief Justice no doubt takes advice, either from individuals he trusts or perhaps from some regularly constituted Body.

The system adopted in Trans-Jordan is described in Seton pages 195 to 201 in Regulations 17, 22, 30, 64 and 67.

5. My own opinion is that the Supreme Moslem Council should be done away with, that the Sheria officials should be placed under the Chief Justice, that a Moslem Adviser on Sheria /

on Sheria matters and an Inspector of Sheria Courts should be appointed to assist the Chief Justice and that the Chief Justice should carry out the appointment, promotion and Discipline of Sheria officials in accordance with the recommendations of a Senior Judicial Council or a Judicial Council of Discipline on which the Sheria interest would be represented by the Adviser in Sheria Matters or the Sheria Court Inspector.

You will remember that at one time Sheikh Husam ed-Din Jarallah was Inspector of Sheria Courts.

I make this recommendation in the belief that thereby the integrity and efficiency of the Sheria Courts will be immeasurably increased and because, as well, such a properly appointed and controlled judiciary will short circuit the dangerous machine which the Sheria Staff as at present constituted and controlled undoubtedly is.

As regards the Waqf and Orphans Funds, I agree with the recommendations made by His Highness.

I would not advocate at present any measures likely to upset the rural population such as an intensive search for arms;
the /

I the villagers are apparently quiescent at present
(vide paragraph 10 of the Galilee Report
for 30th September, 1937); the proper line
I suggest is to smash the central authority
without whom the villagers are most unlikely
to move.

Yours sincerely

P. H. F. G.

2

ON L.

(12) submitted for. When

been seen by A.C. & T.

Sm.
8.10

3

See. R. 61 to Harris see.

Look
8/4/57.

4

Seen & returned with thanks

PD/9/2

B.O. for
further orders
in 10 days.

S.C. (Mr. Antippos Dr.)

The Ag. Ct. has informed me that there is a Palestine
file - relating to the question as to whether Govt. should
take over the Sharic courts - on which the pps on this
file might appropriately be placed. It is at the
moment under action, but when it becomes available
I'll know that it comes to me for the necessary transfer.

Pl. 21/11/37